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Guidance

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Determining a planning application

Sets out process and expectations on planning performance and decision making.

Published 6 March 2014

Last updated 15 March 2019 — see all updates From: Ministry of Housing, Communities & Local Government

Contents

- What are the time periods for determining a planning application? - How must decisions on applications for planning permission be made?
- Who in a local planning authority makes a planning decision?
- Who must the local planning authority notify once it has made a decision on a planning application?

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.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.

What are the time periods for determining a planning application?

Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant.

The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies).

Where a planning application takes longer than the statutory period to decide, and an extended period has not been agreed with the applicant, the government's policy is that the decision should be made within 26 weeks at most in order to comply with the 'planning guarantee'.

Paragraph: 001 Reference ID: 21b-001-20140306

Revision date: 06 03 2014

What is the government's 'planning guarantee'?

The planning guarantee is the government's policy that no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal. The planning guarantee does not replace the statutory time limits for determining planning applications.

Paragraph: 002 Reference ID: 21b-002-20140306

Revision date: 06 03 2014

In what ways can a longer time period be agreed?

Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should onsider entering into a planning performa ce agreement before the application is submitted.

If a valid application is already being considered and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected.

The timetable set out in a planning performance agreement or extension of time may be varied by agreement in writing between the applicant and the local planning authority.

Paragraph: 003 Reference ID: 21b-003-20140306

Revision date: 06 03 2014

What happens if an application is not dealt with on time?

Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a right to appeal to the Secretary of State against non-determination.

If the applicant has not exercised this right of appeal, and the application remains undetermined after 26 weeks, then the fee paid by the applicant will be refunded to them (unless a longer period for the decision has been agreed).

Applicants should not attempt to delay a decision on their application simply to obtain a fee refund. A local planning authority will be justified in refusing permission where an applicant causes deliberate delay and has been unwilling to agree an extension of time; and such behaviour will be taken into account in determining any claim for costs by the local planning authority if the applicant then goes to appeal.

Paragraph: 004 Reference ID: 21b-004-20140306

Revision date: 06 03 2014

What happens if a planning authority fails repeatedly to decide applications on time?

Section 62B of the Town and Country Planning Act 1990 (as amended) allows the Secretary of State to designate local planning authorities that "are not adequately performing their function of determining applications", when assessed against published criteria.

Those criteria relate to:

- the speed of decisions made by local planning authorities for applications for major and non-major development, measured by the percentage of applications that have been determined within the statutory period or such extended time as has been agreed between the local planning authority and the applicant
- the quality of decisions made by local planning authorities for applications for major and non-major development, measured by the proportion of decisions on applications that are subsequently overturned at appeal (including those arising from a 'deemed refusal' where an application has not been determined within the statutory period)

If a local planning authority falls below the performance thresholds set out in the criteria it may be designated for its performance in relation to applications for major development, non-major development, or both.

In this case, section 62A of the Town and Country Planning Act 1990 (as amended) allows applications for the category of development for which the authority has been designated (i.e. major development, non-major development or both) to be submitted directly to the Secretary of State (if the

applicant wishes) as long as the designation remains in place. This excludes householder and retrospective applications, which must still be made directly to the local planning authority.

Paragraph: 005 Reference ID: 21b-005-20170728

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Revision date: 28 07 2017 See previous version

How must decisions on applications for planning permission be made?

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 - these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

Paragraph: 006 Reference ID: 21b-006-20190315

Revision date: 15 03 2019 See previous version

Paragraph: 007 - REMOVED - See previous version

What is a material planning consideration?

A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

Paragraph: 008 Reference ID: 21b-008-20140306

Revision date: 06 03 2014

What weight can be given to a material consideration?

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

Paragraph: 009 Reference ID: 21b-009-20140306

Revision date: 06 03 2014

Can local planning authorities take the planning history of a site into account when determining an application for planning permission?

The planning history of a site may be a relevant consideration in the determination of an application. In particular, when considering applications for major development involving the provision of housing, the National Planning Policy Framework indicates that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start. Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.

Paragraph: 010 Reference ID: 21b-010-20190315

Revision date: 15 03 2019 See previous version

When should a 'local finance consideration' be taken into account as a material planning consideration?

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

In deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. Even where anticipated Bonus payments are not a material consideration in making planning decisions, they can be noted for information in committee reports on applications for housing. Where this is done, care will be required not to imply that Bonus payments are relevant to the decision before the committee.

Paragraph: 011 Reference ID: 21b-011-20140612

Revision date: 12 06 2014 See previous version

What approach must be taken where development plan policies conflict with one another?

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations. including local priorities and needs, as guided by the National Planning Policy Framework

Paragraph: 012 Reference ID: 21b-012-20140306

Revision date: 06 03 2014

Can the local planning authority decide not to follow the policies in the development plan?

The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In cases where the local planning authority intends to depart from development plan policy, article 15(3) of the Development Management Procedure Order sets out the publicity requirements which must be followed before the decision is taken.

Paragraph: 013 Reference ID: 21b-013-20150327

Revision date: 27 03 2015 See previous version

In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?

Paragraphs 48-50 of the National Planning Policy Framework explain how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature.

Paragraph: 014 Reference ID: 21b-014-20190315

Revision date: 15 03 2019 See previous version

Should children's best interests be taken into account when determining planning applications?

Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through nonplanning measures, for example through intervention or extra support for the family through social, health and education services.

Paragraph: 028 Reference ID: 21b-028-20150901

Revision date: 01 09 2015

Who in a local planning authority makes a planning decision?

Section 101 of the Local Government Act 1972 allows the local planning authority to arrange for the discharge any of its functions by a committee, subcommittee, or an officer or by any other local authority. An exception where this power may not apply is where the local authority's own application for development could give rise to a conflict of interest, when regulation 10 of the Town and Country Planning General Regulations 1992 applies.

The exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.

Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised

Paragraph: 015 Reference ID: 21b-015-20140306

Revision date: 06 03 2014

How must elected councillors and other members of the local authority consider planning applications?

Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

Paragraph: 016 Reference ID: 21b-016-20140306

Revision date: 06 03 2014

How is the conduct of elected members regulated?

Under Part 1 of the Localism Act 2011 each local authority is required to adopt a local Code of Conduct that sets out the expectations as to the conduct of members in carrying out their official duties. The local authority must also keep a register of members' interests.

The publication Openness and transparency on personal interests: a guide for councillors gives practical information about members' personal interests and the standards arrangements introduced by the Localism Act 2011.

Paragraph: 017 Reference ID: 21b-017-20140306

Revision date: 06 03 2014

Can an elected member who has represented constituents interested in a planning application be accused of pre-determination or bias, if he or she subsequently speaks or votes on that application?

Section 25 of the Localism Act 2011 clarifies that a member is not to be regarded as being unable to act fairly or without bias if they participate in a decision on a matter simply because they have previously expressed a view or campaigned on it. Members may campaign and represent their constituents – and then speak and vote on those issues - without fear of breaking the rules on pre-determination. Members may also speak with developers and express positive views about development.

A distinction can be drawn between pre-determination and pre-disposition. Members must not have a closed mind when they make a decision, as decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.

Paragraph: 018 Reference ID: 21b-018-20140306

Revision date: 06 03 2014

Who must the local planning authority notify once it has made a decision on a planning application?

The local planning authority must formally notify the applicant of their decision using a written decision notice. Under article 33(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the local planning authority must also give notice of their decision to every person who has made a representation who is an owner of the land or a tenant of an agricultural holding on the land or an adjoining owner or occupier.

The local planning authority may take a flexible approach and make a judgement about whether additional publication of the decision is needed on a case by case basis, weighing up factors such as the level of public interest in the application and the cost of additional notification. It is particularly important that the local planning authority notifies the Environment Agency of any decision taken on a planning application where the Agency has objected on flood risk grounds.

In the case of any decision against the advice of HSE there is guidance on notifying the Executive in advance of any decision being issued.

Paragraph: 019 Reference ID: 21b-019-20190315

Revision date: 15 03 2019 See previous version

What information must the local planning authority include on their written decision notices of planning applications to applicants?

The information that the local planning authority must provide on their decision notices is set out in article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes the requirement, where planning permission is refused, to state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan that are relevant to the decision. While the local planning authority is no longer required to give reasons for approval on decision notices, it is important that the other paperwork that supports such decisions clearly shows how that decision has been reached.

The local planning authority must also include a notification to the applicant with the decision notice in the terms (or substantially in the terms) set out in Schedule 5 to the Development Management Procedure Order in the following cases:

- where planning permission is granted subject to conditions;
- where planning permission is refused;
- here the Secretary of State has given a direction restricting the grant of planning permission; and where the Secretary of State or a government department has expressed
- the view that permission should not be granted (either wholly or in part) or should be granted subject to conditions.

Paragraph: 020 Reference ID: 21b-020-20140306

Revision date: 06 03 2014

What is the decision date that the local planning authority should put on decision notices?

To ensure consistency in the preparation of statistics, the decision date to be inserted on decision notices by the local planning authority is taken as the date when notice of the decision is issued to the applicant. This includes cases where the decision has been taken by an officer or a planning committee.

Paragraph: 021 Reference ID: 21b-021-20140306

Revision date: 06 03 2014

When must a local planning authority in London notify the Mayor prior to making a decision?

Local planning authorities in London are required to notify the Mayor of London if they receive applications of 'potential strategic importance' for the capital. This provides the Mayor with an opportunity to consider the proposal's compliance with the spatial development strategy (the London Plan), and if necessary direct that he should determine the application himself, or that the application should be refused. What constitutes an application of potential strategic importance is set out in the Town and Country Planning (Mayor of London) Order 2008, along with the procedural requirements that apply.

Paragraph: 027 Reference ID: 21b-027-20140306

Revision date: 06 03 2014

When does the local planning authority need to consult with the Secretary of State prior to taking a decision?

The Town and Country Planning (Consultation) (England) Direction 2009 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State, usually after a public inquiry, rather than the local planning authority.

The information that the local planning authority must submit with the consultation is set out in paragraph 10 of the Direction. Where consultation with the Secretary of State under the Direction is required, the local planning authority cannot grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State notifies the local planning authority that the consultation has been received and he has all the information necessary to consider the matter.

The local planning authority must send consultations under the Town and Country Planning (Consultation) (England) Direction 2009 to the Ministry of Housing, Communities and Local Government's Planning Casework Unit at the following address:

Planning Casework Unit 5 St Philip's Place Colmore Row

Birmingham B3 2PW

PCU@communities.gov.uk

The Direction is separate from, and does not affect or prejudice, the Secretary of State's general power under section 77 of the Town and Country Planning Act 1990 to direct that any particular planning application should be called in for determination by the Secretary of State. In addition to the requirements under the Direction there may also be additional, locally applicable arrangements set out in safeguarding directions.

Paragraph: 022 Reference ID: 21b-022-20140306

Revision date: 06 03 2014

When must a local planning authority in London notify the Mayor prior to making a decision?

Local planning authorities in London are required to notify the Mayor if they receive applications of 'potential strategic importance' for the capital. This provides the Mayor with an opportunity to consider the proposal's compliance with the spatial development strategy (the London Plan), and if necessary direct that he should determine the application himself, or that the application should be refused. What constitutes an application of potential strategic importance is set out in the Town and Country Planning (Mayor of London) Order 2008, along with the procedural requirements that apply

Paragraph: 027 Reference ID: 21b-027-20140306

Revision date: 06 03 2014

What are the Secretary of State's powers of intervention to call in a planning application?

Section 77 of the Town and Country Planning Act 1990 empowers the Secretary of State to call in a planning application for his own determination. The power can be exercised at any time up to planning permission being issued by a local planning authority. In considering whether to call in a planning application, the Secretary of State is generally concerned with whether the application involves planning issues of more than local importance that warrant the decision being made by him rather than the local planning authority. However each case will be considered on its merits. The call in policy was updated on 26 October 2012 in a written ministerial statement.

Any person may ask the Secretary of State to call in an application for his own determination. Applications may also be referred to the Secretary of State by the local planning authority under the <u>Town and Country Planning</u> (Consultation) (England) Direction 2009. Requests for call in should be sent to the Ministry of Housing, Communities and Local Government's Planning Casework Unit at the following address:

Planning Casework Unit 5 St Philip's Place Colmore Row Birmingham

B3 2PW

PCU@communities.gov.uk Paragraph: 024 Reference ID: 21b-024-20190315

Revision date: 15 03 2019 See previous version

Published 6 March 2014 Last updated 15 March 2019 + show all updates

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Guidance **Consultation and pre-decision matters**

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Sets out the process for efficient and inclusive consultation of planning applications

Published 6 March 2014 Last updated 23 July 2019 — see all updates

From: Ministry of Housing, Communities & Local Government

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- application? Table 1 – Statutory publicity requirements for applications for planning permission and listed building consent
- Table 2 Statutory consultees on applications for planning permission

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 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.

What local planning authority consultation takes place before a planning application is decided, and with who?

After a local planning authority has received a planning application, it will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

- The main types of local planning authority consultation are:
- Public consultation including consultation with neighbouring residents and community groups.
- <u>Statutory consultees</u> where there is a requirement set out in law to consult a specific body.
- Any consultation required by a <u>direction</u> where there are further, specific, statutory consultation requirements as set out in a consultation direction.
- <u>Non statutory consultees</u> where there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development.

Following the initial period of consultation, it may be that further additional consultation on changes submitted by an applicant. prior to any decision being made, is considered necessary.

Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the application. See more information on the role that consultees' views play in making a decision.

Local planning authority consultation does not remove or affect the requirement for the applicant to complete and submit an ownership certificate and agricultural land declaration with an application for planning permission.

Paragraph: 001 Reference ID: 15-001-20190722 Revision date: 23 07 2019 See previous version

Public consultation

What steps must the local planning authority take to involve members of the public on planning applications?

Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in article 15 of the Development Management Procedure Order (as amended). There are separate arrangements for applications for permission in principle which are set out in Article 5G of the Town and Country Planning (Permission in Principle) Order 2017 (as amended); for listed buildings which are set out in regulation 5 and regulation 5A of the Listed Buildings and Conservation Area Regulations 1990 (as amended) and for applications for prior approval for development which is subject to permitted development rights which are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Paragraph: 002 Reference ID: 15-002-20180615

Revision date: 15 06 2018 See previous version

Who is eligible to respond to a consultation? Anyone can respond to a planning consultation. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups (national as well as local in some cases) may wish to provide representations on planning applications.

Paragraph: 003 Reference ID: 15-003-20140306

Revision date: 06 03 2014

What publicity will take place to let the public know that a planning application has been submitted?

Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. Article 15 of the Development Management Procedure Order sets out minimum statutory requirements for applications for planning permission. These are summarised in <u>Table 1</u>.

In addition, local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement, prepared under section 18 of the Planning and Compulsory

Purchase Act 2004. See also guidance on plan-making. Publishing information online in an open data format can help facilitate engagement with the public on planning applications.

Paragraph: 004 Reference ID: 15-004-20140306

Revision date: 23 07 2019 See previous version

What is the time period for making comments?

The time period for making comments will be set out in the publicity accompanying the planning application. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

To ensure comments are taken into account it is important to make comments before the statutory deadline.

Paragraph: 005 Reference ID: 15-005-20140306

Revision date: 23 07 2019 See previous version

Will the local planning authority take into account views received after the formal period for comments has closed?

Local planning authorities may, at their discretion, take into account comments that are made after the closing date (but have no obligation to do so).

Paragraph: 034 Reference ID: 15-034-20190723

Revision date 23 07 2019

When must local planning authorities add additional days to consultation periods because of public holidays?

In prescribed circumstances local planning authorities must extend periods of public consultation by one day for each public holiday that occurs during the public consultation period.

In this context 'public holiday' means Christmas Day, Good Friday, or a day which is a bank holiday in England.

Local planning authorities may not determine the application before the public consultation period allowed for representations to be made has expired.

The circumstances where local planning authorities must add an additional day for each public holiday which occurs during the public consultation period are set out in the table below.

However local planning authorities retain discretion to extend consultation periods where they consider it appropriate. This includes being able to add additional days when public holidays occur in circumstances that are not listed in the table

Table: Statutory provisions requiring local planning authorities to add an additional day for publicity of applications for each public holiday that occurs during a public consultation period

Statutory provisions Description

Management Procedure) (England) Order 2015 - Articles 15, statement. 33 and 34 and Schedule 3 (as amended)

The Planning (Listed

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The Town and Country Applications for planning permission under Part 3 of the Town and Country Planning (Development Planning Act 1990 (which includes applications for outline planning permission and technical details consent) but the requirement does not apply in the case of any EIA application accompanied by an environmental

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building consent. Publicity by local planning authorities for applications for Conservation Areas) planning permission affecting setting of listed buildings. Publicity by local Regulations 1990 planning authorities of applications by them to the Secretary of State Regulation 5, 5A, 13 (as relating to the execution of works for the demolition, alteration or exter of listed buildings The Town and Country Publicity by the local planning authority of proposed development which is Planning (General subject to certain permitted development rights and for which an

Advertisement by local planning authorities of applications for listed

Permitted application is required for the local planning authority's prior approval or Development) for a determination as to whether such prior approval is required. (England) Order 2015 -Schedule 2 (as amended) The Town and Country Publicity by local planning authorities of applications for permission in Planning (Permission in principle Principle) Order 2017 -Article 5G, 5R, 5S and Schedule 2 (as amended)

Paragraph: 032 Reference ID: 15-032-20180615 Revision date: 15 06 2018

Why are consultees' views important?

Paragraph deleted.

Paragraph: 007 Reference ID: 15-007-20190722

Revision date: 23 07 2019 See previous version

What happens where an application is on land falling within two (or more) local authorities?

Where an application straddles the boundaries of two or more local planning

authorities, publicity should be undertaken separately in each local planning authority area. The authorities will need to agree between themselves whether publicity beyond the statutory mimimum in each area is appropriate.

Paragraph: 008 Reference ID: 15-008-20140306

Revision date: 23 07 2019 See previous version

Statutory consultees

Who are the statutory consultees and why have they been designated? Planning law prescribes circumstances where local planning authorities are required to consult specified bodies prior to a decision being made on an

application A list of statutory consultees on applications for planning permission is set out

in Table 2.

Paragraph: 009 Reference ID: 15-009-20190722 Revision date: 23 07 2019 See previous version

How should statutory consultees engage with the planning system?

Paragraph deleted.

Paragraph: 010 Reference ID: 15-010-20140306

Revision date: 23 07 2019 See previous version

Will a parish council or a Neighbourhood Forum be informed of planning applications in their area?

The circumstances in which local planning authorities must notify a parish council or a Neighbourhood Forum are set out in Schedule 1, paragraph 8, of the Town and Country Planning Act 1990 and article 25 and 25A of the Development Management Procedure Order

Where a parish council or Neighbourhood Forum is notified of a planning application, they must make any representations within 21 days.

Paragraph: 006 Reference ID: 15-006-20190722

Revision date: 23 07 2019 See previous version

How can delays in the statutory consultation phase be avoided? Early and timely engagement between developers, statutory consultees and local authorities at the pre-application phase is important in helping to address issues and opportunities early on and avoid delays occurring at the formal application stage

Statutory consultees need to provide clear, positive and transparent information to both local planning authorities and applicants about the information they require to provide a response to consultations. It is important for local planning authorities to work closely with statutory consultees in preparing their local lists of information requirements.

Paragraph: 013 Reference ID: 15-013-20190722 Revision date: 23 07 2019 See previous version

Can statutory consultees charge for pre application advice?

In certain circumstances some statutory consultees may be able to charge a fee for their advice at the pre-application stage. Statutory consultees should

be guided by their own legal advisers on their powers to charge. To ensure transparency, where a statutory consultee has the power to charge for pre-application services, it is important to provide information online about:

- the scale of charges for pre-application services applicable to different
- types of application (minor/major and other); • the level of service that will be provided for the charge, including:
- the scope of work and what is included (eg duration and number of meetings or site visits):
- the amount of officer time;
- the outputs (eg a letter or report); and • the guaranteed response times.

Statutory consultees should not charge for a pre-application request to advise on the likely scope of information necessary to enable them to provide a substantive response to the local planning authority at application stage. It is good practice to respond to such requests within no more than 21 days. Paragraph: 014 Reference ID: 15-014-20190722

Revision date: 23 07 2019 See previous version

What should local planning authorities expect from a statutory consultee in terms of a response?

When consulted in the circumstances set out in Article 22 of the Development Management Procedure Order, consultees are under a duty to provide a "substantive response" (as defined in that Article). Local planning authorities must provide such consultees with the information that will enable them to provide a substantive response.

The substantive response will need to include reasons for the consultee's views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent. A holding reply would not be acceptable as a substantive response.

Paragraph: 015 Reference ID: 15-015-20190722

Revision date: 23 07 2019 See previous version

How long do statutory consultees have to respond to a consultation? Where a "substantive response" is required, statutory consultees must

provide it a) within the period of 21 days beginning with the day on which - (i) the

document on which the views of consultees are sought, or (ii) where there are several documents and they are sent on different days, the day on which the last of those documents is received, or

b) such other period as may be agreed in writing between the consultee and consultor

Article 22 of the Development Management Procedure Order Paragraph: 011 Reference ID: 15-011-20190722

Revision date: 23 07 2019 See previous version

What happens where a statutory consultee considers that it does not have the information it needs to provide a substantive response?

It is important for statutory consultees to inform the local planning authority without delay if they require additional information, and that they have procedures in place to enable this to occur as soon as possible after they receive a consultation. It is not acceptable for a statutory consultee to wait until the 21-day period would otherwise have come to a close to notify the local planning authority that it believes it does not have enough information to

provide a substantive response. Where a statutory consultee requests additional information it will need to set out clearly and precisely what the additional information is and the reasons why it is required.

Paragraph: 012 Reference ID: 15-012-20190722

Revision date: 23 07 2019 See previous version

What happens where a statutory consultee is unable to meet the deadlines for responding?

Local planning authorities are expected to determine applications for planning permission, within a time period of 5, 8, 13 or 16 weeks (depending on the type of development). Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice. Paragraph: 016 Reference ID: 15-016-20190722

Revision date: 23 07 2019 See previous version

proposed.

Is it possible for the statutory consultee to negotiate an extension to the deadline for representations?

It is important for statutory consultees to do all they can to meet the deadline for representations. It should not usually be necessary for an extension to be

Extensions of time which are negotiated between the statutory consultee and the local planning authority will not affect the applicant's right to appeal against non-determination. In considering whether to agree to any proposed extension, local planning authorities will therefore need to consider the views of the applicant and the likely impact on the overall time taken to reach a decision

Paragraph: 017 Reference ID: 15-017-20190722

Revision date: 23 07 2019 See previous version

Are statutory consultees accountable for their performance as a consultee on planning applications?

Article 23 of the Development Management Procedure Order provides that statutory consultees who are under a duty to provide a substantive response must provide an annual report on their performance in providing such responses within the 21 day period or longer agreed period, and a summary of the reasons why they failed to comply with the duty to respond within the relevant timescale. The reports need to be sent to the Ministry of Housing, Communities and Local Government each year. Statutory consultees are encouraged to publish the reports on their websites.

Paragraph: 018 Reference ID: 15-018-20190722 Revision date: 23 07 2019 See previous version

Are other local authorities statutory consultees?

In certain cases there are specific requirements to consult other local authorities. More information about other local authorities' role as statutory consultees is set out in Table 2. Paragraph: 019 Reference ID: 15-019-20140306

Revision date: 06 03 2014

Safeguarding directions

What are safeguarding directions?

The Development Management Procedure Order includes powers for the Secretary of State to direct local planning authorities that additional consultation must take place in specific local circumstances. This process is referred to as a 'consultation direction'.

A consultation direction may be issued in relation to areas, sites and routes which are typically of more than local importance, or to allow the further consideration of proposals in the vicinity of existing facilities (such as airports).

Safeguarding directions are a specific type of consultation direction, and typically set out detailed maps of areas (for example, those around some existing facilities, such as certain airports or in relation to proposed infrastructure) where statutory consultation is required on planning applications within their area. Further detailed guidance on safeguarding aerodromes, technical sites and military explosives storage areas is provided in: 'The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002'. Detailed guidance on mineral's safeguarding is provided in the Minerals guidance.

Information on meteorological technical sites, and who to consult where a proposed development may affect such a site, can be found in the Town and Country Planning (Safeguarding Meteorological Sites) (England) Direction 2014

Paragraph: 020 Reference ID: 15-020-20170728 Revision date: 23 07 2019 See previous version

Where is information kept regarding consultation directions?

The relevant local planning authority will be able to advise applicants of any consultation directions that might affect planning proposals within its area. Paragraph: 021 Reference ID: 15-021-20140306

Revision date: 23 07 2019 See previous version

When does the Secretary of State need to be consulted?

For certain types of development, local planning authorities are required to consult the Secretary of State before granting planning permission. The circumstances where this is required are set out in the Town and Country

Planning (Consultation) Direction 2009; the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018; and the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002

Further information is provided in the guidance on determining an application. Paragraph: 028 Reference ID: 15-028-20140306 Revision date: 06 03 2014

What happens if a local planning authority would like to give planning permission against the Control of Major Accident Hazards (COMAH) competent authority advice?

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 callin the application. The Secretary of State exercises the power to call-in applications very selectively.

Paragraph: 028 Reference ID: 15-028-20190722 Revision date: 23 07 2019 See previous version

Non-statutory consultees

What other organisations will local planning authorities engage with as part of the planning application process?

In addition to the statutory consultees set out in table 2 below, local planning authorities will need to consider whether there are planning policy reasons to engage other consultees who - whilst not designated in law - are likely to have an interest in a proposed development (non-statutory consultees). An example of this is the Battlefield Trust in relation to any proposed development that may impact on a historical battlefield site.

To help applicants develop their proposals, local planning authorities are encouraged to produce and publish a locally specific list of non-statutory consultees.

Paragraph: 022 Reference ID: 15-022-20140306

Revision date: 23 07 2019 See previous version

How can local planning authorities engage with non-statutory consultees? Local planning authorities need to identify the particular types of development or areas in which non-statutory consultees have an interest, so that any consultation can be directed appropriately, and unnecessary consultation avoided

To ensure consultations are received promptly it is helpful to for applicants and local planning authorities to agree the most cost and time effective system of notification on individual applications.

Paragraph: 023 Reference ID: 15-023-20140306 Revision date: 06 03 2014

How long do non-statutory consultees have to respond to a planning application?

Non-statutory consultees are expected to respond within the period specified by the local planning authority. Where, exceptionally, additional time is required it is important to notify the local planning authority as soon as possible. It will be for the local planning authority to decide if further time is

allowed. Extensions of time which are negotiated between non-statutory consultees and the local planning authority will not affect the applicant's right to appeal against non-determination. In considering whether to agree an extension to specified deadline, local authorities will therefore need to consider the views of the applicant, and the likely impact on the overall time taken to reach a decision. Paragraph: 024 Reference ID: 15-024-20140306

Revision date: 06 03 2014

Re-consultation after an application has been

Can an application be amended after it has been submitted?

Paragraph deleted.

amended

Paragraph: 025 Reference ID: 15-025-20190722

Revision date: 23 07 2019 See previous version

Will further consultation take place after an application is amended?

An application can be amended after it has been submitted. Guidance on the procedures involved in doing so is set out in 'making an application'.

Where an application has been amended it is up to the local planning authority 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, without re-consultation, 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.

Where the local planning authority decides that it is necessary to re-consult a body which is under a duty to provide a substantive response the timescales in paragraph 011 will apply.

Paragraph: 026 Reference ID: 15-026-20190722 Revision date: 23 07 2019 See previous version

Is it possible for a statutory or non-statutory consultee to direct refusal of a planning application?

A statutory or non-statutory consultee may recommend that a planning application be refused but cannot in most cases direct that this happens.

However, the effect of the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018 is that if Highways England, having been consulted on a planning application under Schedule 4 of the Development Management Order 2015, makes a recommendation which the local planning authority does not intend to follow, the local planning authority must consult the Secretary of State and must determine the application in accordance with any Direction given within 21 days by the Secretary of State.

In addition, article 6 of the Town and Country Planning (Mayor of London) Order 2008 sets out a power for the Mayor of London to direct refusal of a planning application in certain instances. Several combined authorities also

have similar powers. Paragraph: 027 Reference ID: 15-027-20190722

Revision date: 23 07 2019 See previous version

Can a local planning authority impose a pre-commencement planning

condition required by a statutory consultee without the agreement of the

applicant?

The written agreement of the applicant is required for all pre-commencement conditions, except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

In the unlikely event that an applicant refuses to accept a necessary precommencement condition proposed by a local planning authority, the authority can refuse planning permission. This will maintain appropriate protections for important matters such as heritage, the natural environment, green spaces, and measures to mitigate the risk of flooding. Paragraph: 033 Reference ID: 15-033-20180615

Table 1 – Statutory publicity requirements for applications for planning permission and listed building consent

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)	-	х	х	х
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	x	-	Х	Х
Applications which do not accord with the development plan in force in the area	х	-	Х	х
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	х	-	Х	Х
Applications for planning permission not covered in the entries above eg non-major development	-	Х	-	Х
Applications for listed building consent where works to the exterior of the building are proposed	х	-	Х	Х
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	х	-	Х	Х
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	x	-	x	Х

Note: the Environment Impact Assessment guidance sets out further publicity and consultation requirements for applicants where this is relevant. Paragraph: 029 Reference ID: 15-029-20170728

Revision date: 28 07 2017 see previous version

Table 2 - Statutory consultees on applications for planning permission

The table below contains a list of statutory requirements to consult particular bodies or persons on applications for planning permission in prescribed circumstances. The table also includes links to planning guidance that encourages consultation with those bodies in other circumstances. This is not a definitive list. It does not necessarily include, for example, all the bodies which must be consulted as a consequence of a consultation direction.

Statutory consultee	Type of development
Canal and River Trust	Schedule 4(za) Development Management Procedure Order
Coal Authority	Article 26 and Schedule 4(o) Development Management Procedure Order
Control of major- accident hazards competent authority (COMAH)	Schedule 4(zb) Development Management Procedure Order
County Planning Authorities	Paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990. Article 21 Development Management Procedure Order and Schedule 4(b)(c) Development Management Procedure Order
<u>Crown Estates</u> Commissioners	Article 26 Development Management Procedure Order
<u>Department for</u> <u>Business, Energy</u> <u>and Industrial</u> <u>Strategy</u>	Article 26 Development Management Procedure Order
Designated Neighbourhood Forum	Paragraph 8A inserted into Schedule 1 of the Town and Country Planning Act 1990 and Article 25A and paragraph (d) of Schedule 4 of the Development Management Procedure Order 2015
Environment Agency	Schedule 4(p)(t)(u) (v)(zc)(zd) Development Management Procedure Order
<u>Forestry</u> Commission	Paragraph 4 of Schedule 5 of Town and Country Planning Act 1990
<u>Garden History</u> Society	Schedule 4(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
<u>Greater London</u> Authority	Mayor of London Order 2008 (as amended)
<u>Health and Safety</u> <u>Executive</u>	Schedule 4(e) Development Management Procedure Order, see also guidance on hazardous substances and advice for local planning authorities on consulting Health and Safety Executive on planning applications; and paragraph 113 of guidance on minerals
[Relevant]Highways Authority (including Highways England)	Schedule 4(g)(h)(i) Development Management Procedure Order
Historic England	Schedule 4(g)(r)(s) Development Management Procedure Order and see also guidance on conserving and enhancing the historic environment
Lead local flood authority	Schedule 4(ze) Development Management Procedure Order
Local Planning Authorities	Schedule 4(b)(c), Article 19 and Article 24 Development Management Procedure Order, Paragraph 4(2) Schedule 1 and Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990 and Paragraph 3(b) of Schedule 4 to the Planning (Listed Buildings and Conservation Areas) Act 1990
National Parks Authorities	Schedule 4(a) Development Management Procedure Order
Natural England	Schedule 4(w)(y)(zb) Development Management Procedure Order and Paragraph 4 of Schedule 5 of the Town and Country Planning Act 1990
Office for Nuclear Regulation	Schedule 4(f) Development Management Procedure Order and see also deciding planning applications around hazardous installations guidance
Oil and Gas Authority	Article 26 Development Management Procedure Order
Parish Councils	Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order
Rail Infrastructure Managers	Article 16 Development Management Procedure Order
Rail Network Operators	Schedule 4(j) Development Management Procedure Order and see also guidance on transport
Sport England	Schedule 4(z) Development Management Procedure Order and see also guidance on open space, sports and recreation facilities
<u>Theatres Trust</u>	Schedule 4(x) Development Management Procedure Order
Toll Road Concessionaries	Schedule 4(m) Development Management Procedure Order
Water and sewerage undertakers	Schedule 4(zf) Development Management Procedure Order
Revision date: 2	Reference ID: 15-030-20190722 23 07 2019 <u>See previous version</u> tatutory consultees – identified in national planning policy
Table deleted.	

Paragraph: 031 Reference ID: 15-031-20190722

Revision date: 23 07 2019 See previous version

Published 6 March 2014 Last updated 23 July 2019 + show all updates

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Guidance Natural environment

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

Published 21 January 2016
Last updated 21 July 2019 — <u>see all updates</u>
From: Ministry of Housing, Communities & Local Government
Contents
- Agricultural land, soil and brownfield land of environmental value

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

This guidance has been updated see previous version

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 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.

Agricultural land, soil and brownfield land of environmental value

How can planning take account of the quality of agricultural land? The Agricultural Land Classification 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 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 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

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, a type of priority habitat that is of high ecological value which occurs on brownfield land. Natural England's Open Mosaic Habitat Inventory 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 and other natural resources. It can also be an
- integral part of multifunctional sustainable drainage and natural flood risk management. 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

Revision date: 21 07 2019

biodiversity?

Biodiversity, geodiversity and ecosystems Is there a statutory basis for seeking to conserve and enhance

Section 40 of the Natural Environment and Rural Communities Act 2006 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. 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, 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

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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; • 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;

- ological 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.

Paragraph: 010 Reference ID: 8-010-20190721 Revision date: 21 07 2019

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; • areas of irreplaceable natural habitat;
- 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. Paragraph: 011 Reference ID: 8-011-20190721

Revision date: 21 07 2019

effective

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

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

separate sites.

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 in rural, urban or coastal locations, can vary considerably in size, and may comprise a number of

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 Detail

Criteria

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.
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 (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. 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 (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 needs to inform all stages of development (including site selection and design, preapplication consultation 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 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. Planning conditions, legal agreements 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:

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. • 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?

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. Paragraph: 019 Reference ID: 8-019-20190721

Revision date: 21 07 2019

Net gain What is net gain?

Compensation

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 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. 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 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. In addition, the felling of trees

requires a Forestry Commission licence 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 interdisciplinary 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 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.

The Ancient Tree Inventory 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 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 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 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

Landscape

Revision date: 21 07 2019

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. 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. There is no equivalent circular on Areas of Outstanding Natural Beauty. but Natural England has published information on these areas. 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 and section 85 of the

Countryside and Rights of Way Act 2000 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 on this duty, and Natural England has published or

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

guidance

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 crossorganisational 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

accommodated.

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

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 sets out a number of particular considerations that should apply when deciding whether permission should be granted.

Paragraph: 041 Reference ID: 8-041-20190721

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 (and footnote 55) of the National Planning PolicyFramework. Natural England has published advice on Heritage Coasts. The Marine

Management Organisation produces guidance on marine planning 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

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Guidance

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Transport evidence bases in plan making and decision taking

Guidance to help local planning authorities assess and reflect strategic transport needs in Local Plan making.

Published 13 March 2015 From: Ministry of Housing, Communities & Local Government

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 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.

Transport evidence bases in plan making and decision taking

Why establish a transport evidence base for Local Plans?

It is important for local planning authorities to undertake an assessment of the transport implications in developing or reviewing their Local Plan so that a robust transport evidence base may be developed to support the preparation and/or review of that Plan. A robust transport evidence base can facilitate approval of the Local Plan and reduce costs and delays to the delivery of new development, thus reducing the burden on the public purse and private sector

The transport evidence base should identify the opportunities for encouraging a shift to more sustainable transport usage, where reasonable to do so; and highlight the infrastructure requirements for inclusion in infrastructure spending plans linked to the Community Infrastructure Levy, section 106 provisions and other funding sources.

Local planning authorities should also refer to the Department for Transport's Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development

Paragraph: 001 Reference ID: 54-001-20141010

Revision date: 10 10 2014

What is the purpose of a transport evidence base to support the Local Plan?

A robust evidence base will enable an assessment of the transport impacts of both existing development as well as that proposed, and can inform sustainable approaches to transport at a plan-making level. This will include consideration of viability and deliverability.

A robust assessment will establish evidence that may be useful in:

improving the sustainability of transport provision

- enhancing accessibility
- creating choice amongst different modes of transport
- improving health and well-being
- supporting economic vitality
- improving public understanding of the transport implications of development
- enabling other highway and transport authorities/service providers to support and deliver the transport infrastructure that conforms to the Local Plan
- supporting local shops and the high street

Paragraph: 002 Reference ID: 54-002-20141010

Revision date: 10 10 2014

What key issues should be considered in developing the transport evidence base to support the Local Plan?

The key issues, which should be considered in developing a transport evidence base, include the need to:

- assess the existing situation and likely generation of trips over time by all modes and the impact on the locality in economic, social and environmental terms
- assess the opportunities to support a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport
- highlight and promote opportunities to reduce the need for travel where appropriate
- identify opportunities to prioritise the use of alternative modes in both existing and new development locations if appropriate
- consider the cumulative impacts of existing and proposed development on transport networks
- assess the quality and capacity of transport infrastructure and its ability to meet forecast demands

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- identify the short, medium and long-term transport proposals across all modes

The outcome could include assessing where alternative allocations or mitigation measures would improve the sustainability, viability and deliverability of proposed land allocations (including individual sites) provided these are compliant with national policy as a whole.

Paragraph: 003 Reference ID: 54-003-20141010

Revision date: 10 10 2014

When should the transport assessment of the Local Plan be undertaken?

An assessment of the transport implications should be undertaken at a number of stages in the preparation of a Local Plan:

- as part of the initial evidence base in terms of issues and opportunities
- as part of the options testing
- as part of the preparation of the final submission

The last of these stages should highlight the scale of and priorities for investment requirements and support infrastructure spending plans. Like a sustainability appraisal, it will be an iterative process and become more refined and detailed as the process draws to a conclusion.

Paragraph: 004 Reference ID: 54-004-20141010

Revision date: 10 10 2014

What baseline information should inform a transport assessment of a Local Plan?

The following list indicates the key aspects that should be addressed in the transport assessment. This list is not exhaustive, and there may be additional issues that are important to consider locally.

- all current transport issues as they affect all modes and freight covering, for example, accessibility, congestion, mobility, safety, pollution, affordability, carbon reduction across the whole Plan area and, within relevant areas of the Plan, including existing settlements and proposed land allocations
- the potential options to address the issues identified and any gaps in the networks in the short, medium and longer term covering, for example accessibility, congestion, mobility, safety, pollution, carbon reduction
- the locations of proposed land allocations and areas/corridors of development and potential options for the provision of sustainable transport and transport networks to serve them
- solutions to support a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport
- the scope and options for maximising travel planning and behavioural change.
- accessibility of transport nodes such as rail/bus stations to facilitate integrated solutions

The transport assessment should be produced at a Local Plan level in partnership with all relevant transport and planning authorities, transport providers and key stakeholders, for example, the Local Economic Partnership. It may be appropriate for the transport assessment to cover an area wider than the Local Plan at least initially given the size of some travel to work areas (this would be similar to the Strategic Housing Market Assessment). This process should help to identify any potential measures that may be required to mitigate negative impacts.

Paragraph: 005 Reference ID: 54-005-20141010

Revision date: 10 10 2014

What detailed information is required for the transport assessment of the Local Plan?

Much information required for the transport assessment will already be available, not least from the development needs and land availability assessments. Local planning authorities will need to consider the demographics of the area and also the desired or perceived changes likely to take place in the life of the Plan as they might affect the transport network.

Other considerations that could be included are:

- baseline existing conditions, which need to be established accurately to
- understand fully the context of the Local Plan policies and proposals • the existing integrated transport networks and any gaps in these as well as
- service and quality
- opportunities to change to other forms of transport
- the current use and demand by all different types of transport including cumulative trips into and out of the area • the availability of information from travel plans, previous assessments,
- transport operators etc
- capacity data on rail and tram networks and constraints across the area • walking and cycling facilities and movements including future predicted trips
- description and functional classification of the road network
- current traffic flows including peak periods on roads, links and key junctions · parking facilities, including any park and ride and existing under-provision of
- off-street parking spaces
- journey purpose of trips
- identification and assessment of key links and junctions on the highway network to establish existing conditions
- committed network improvements
- personal injury accident records, including cyclist safety
- any programmed public transport improvements including type, timing and promoter information
- pollution, including baseline carbon emissions broken down by type of
- travel
- existing transport-related environmental impacts
- established best practice in transport provision and the share of each type
- at a broad level, journey purpose and origin and destination currently and how it is likely to change or desired to change – for all types of transport

The above is not exhaustive, and other issues may need to be included as appropriate to give a complete baseline for the Plan area and how it will change. Early engagement between interested parties is important in agreeing the level and scope of assessment required.

Paragraph: 006 Reference ID: 54-006-20141010

Revision date: 10 10 2014

How can a transport assessment of the Local Plan be undertaken?

A transport assessment is likely to be scenario based and in terms of projections look at a range of potential outcomes given a number of assumptions, for example, a movement in the proportion of people using different forms of transport consistent with best practice.

Transport data should be included that reflects the typical (neutral) flow conditions on the network (for example, non-school holiday periods, typical weather conditions etc) in the area of the Plan, and should be valid for the intended purposes. It should also take account of holiday periods in tourist areas, where peaks could occur in periods that might normally be considered non-neutral. The recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October. Further advice is available from the Highways Agency, as described for traffic in the Design Manual for Roads and Bridges (Volume 13, Part 4).

In terms of road traffic, but not other types of traffic, where there is a need to project existing or historical traffic data for future year assessments, the preferred option is the use of appropriate local traffic forecasts (such as the Trip End Model Presentation Program used for transport planning purposes), provided they offer a robust assessment. In some cases, National Road Traffic Forecast growth rates would be appropriate. However, it is important to ensure that this does not just perpetuate existing travel patterns but, where reasonable to do so, facilitates the use of sustainable modes of transport.

The use of any area-wide traffic models or background growth rates should be agreed with the relevant transport or highway authority at the evidence gathering stage of the Local Plan. Care needs to be taken when considering using any model that it takes account of the need to address historic travel patterns not necessarily reinforce them.

To assess the availability of the capacity of the road network, the transport assessment should take into account:

- recent counts for peak period turning movements at critical strategic junctions, for example, in certain instances where there is known to be a significant level of heavy goods vehicles traffic, a classified count (identifying all vehicles separately) should be provided
- 12 hour/24 hour automatic traffic counts

Additional counts that may be required on the strategic parts of the road network could include:

- manual turning counts (which should be conducted at 15 minute intervals) to identify all strategically relevant highway network peak periods
- queue length surveys at key strategic signal junctions to establish demand and actual traffic flows
- journey time surveys
- freight counts
- abnormal load counts
- pedestrian and cyclists counts

Capacity assessments for roads, rail and bus should also be obtained.

Paragraph: 007 Reference ID: 54-007-20141010

Revision date: 10 10 2014

How should the impact of land allocations be considered in assessing the transport implications of Local Plans?

The first step in quantifying the impact of proposed land allocations in the Local Plan on the transport system is to provide an estimate of the person trips (for all types of transport) that are likely to be generated by it.

In all cases, an analysis of development-related trips using an appropriate database or an alternative methodology should be agreed with the relevant highway authorities, as this will form the major element of the assessment.

An assessment of the impacts of the proposed additional land allocations can be initiated once initial potential allocations have been determined. There needs to be a description of the type of development at each of the locations proposed in as much detail as possible at the time. Where this is not possible, a "likely" scenario will need to be employed to set out the potential transport impact. Information that could be required includes:

- location plans of each site
- description of all the proposed land uses
- scale of development such as the number of residential units or gross floor area of development - subdivided by land use where appropriate/possible
- site area in hectares
- likely proposed access to existing transport infrastructure for all types of travel
- where known, the likely proposed parking strategy
- development phasing, where applicable
- potential for securing travel planning benefits and enhanced sustainable transport provision

The above requirements are not exhaustive and will require adaptation to reflect the knowledge about the potential site allocations and developments as well as the type and scale of the proposed developments.

Paragraph: 008 Reference ID: 54-008-20141010

Revision date: 10 10 2014

How should safety considerations be addressed and accident analysis used effectively in the transport assessment of the Local Plan?

All types of transport should be covered by safety considerations and accident analysis, taking into account the objective of facilitating, where reasonable to do so, the use of sustainable modes of transport. The level of detail required will be dependent on the stage of the Local Plan.

The transport assessment should identify any significant highway safety issues and provide an analysis of the recent accident history of the affected/impacted areas. The extent of the safety issue considerations and accident analysis will depend on the scale and type of developments in the context of the character of the affected Strategic Road Network. The need to minimise conflicts between vehicles and other road user groups should be adequately addressed.

Critical locations on the road network with poor accident records should be identified. This is to determine if the proposed land allocations will exacerbate existing problems and whether highway mitigation works or traffic management measures will be required to alleviate such problems. The accident records should be compared with accident rates on similar local roads.

Where the Strategic Road Network is involved, we recommend that appropriate national statistics are also used as a comparison.

Paragraph: 009 Reference ID: 54-009-20141010

Revision date: 10 10 2014

How is the WebTAG approach useful in the transport assessment of the Local Plan?

An assessment should adopt the principles of <u>WebTAG</u> by assessing the potential impacts of development within the framework of WebTAG objectives. For most Local Plan assessments the full methodology recommended will not be appropriate. The Highways Agency's Project Appraisal Report System may provide some useful guidance on methods more appropriate in these cases. Assessments involving major new transport infrastructure should, however, employ the methods set out in WebTAG.

Although this approach is typically applied when planning for local transport infrastructure, adopting this approach for Local Plan transport assessments will ensure that any proposed land allocation impact is considered in the context of two alternative scenarios - 'with development' and 'without development' - and will enable a comparative analysis of the transport effects of the proposed allocation.

Paragraph: 010 Reference ID: 54-010-20141010

Revision date: 10 10 2014

Over how long a period should the assessment of the transport impact of the Local Plan cover?

The assessment should ideally cover the period of the Local Plan, taking into account all the changes and improvements in, for example, technology and behaviour that is likely to happen in that time. Circular 02/2013 sets out provisions for the Strategic Road Network and assessment years at paragraphs 25 to 27.

Paragraph: 011 Reference ID: 54-011-20141010

Revision date: 10 10 2014

What should be considered in regard to the development of airport and airfield facilities and their role in serving business, leisure, training and emergency service needs? (National Planning Policy Framework paragraph 104)

Aviation makes a significant contribution to economic growth across the country, including in relation to small and medium sized airports and airfields (aerodromes). An aerodrome will form part of a larger network. Local planning authorities should have regard to the extent to which an aerodrome contributes to connectivity outside the authority's own boundaries, working together with other authorities and Local Enterprise Partnerships as required by the National Planning Policy Framework. As well as the National Planning Policy Framework, local planning authorities should have regard to the Aviation Policy Framework, which sets out government policy to allow aviation to continue making a significant contribution (National Planning Policy Framework paragraph 80.

A working or former aerodrome could be put forward for consideration as a site for mixed use development (National Planning Policy Framework paragraph 118) that includes continuing, adapting or restoring aviation services in addition to other uses.

Paragraph: 012 Reference ID: 54-012-20150313

Revision date: 13 03 2015

Published 13 March 2015

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Guidance

Travel Plans, Transport Assessments and Statements

Provides advice on when Transport Assessments and Transport Statements are required, and what they should contain.

Published 6 March 2014 From: <u>Ministry of Housing, Communities & Local Government</u>

Contents

- Overarching principles on Travel Plans, Transport Assessments and Statements
 Travel Plans
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<u>(Consultation</u> <u>circular 02/20</u>

Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised <u>National Planning Policy Framework</u>, the policies in the <u>previous version of the framework published in 2012</u> 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 <u>subscribe</u>.

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 <u>Local Plans</u> (for example, in order to facilitate the use of sustainable modes of transport).

Further guidance on transport issues can be found on the <u>Department for</u> Transport's website.

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

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.

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Planning practice guidance

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
- <u>Chapter 7</u>
- paragraph 103paragraph 106
- paragraphito

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 <u>strategic road network</u> 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 changed 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 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 <u>town centres</u>.

Paragraph: 008 Reference ID: 42-008-20140306

Revision date: 06 03 2014

Travel Plans

When is a Travel Plan required?

Paragraph 111 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 <u>parking standards</u> and the need to <u>avoid unfairly penalising</u> motorists); 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 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
- 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 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

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