

**EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(AMENDMENT) (No. 2) (ENGLAND) ORDER 2008**

2008 No. 2362

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Description

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“GPDO”). It substitutes a new Part 1 of Schedule 2 which confers permitted development rights in relation to certain development within the curtilage of a dwellinghouse. It also adds World Heritage Sites (“WHS”) to the list of land defined in the GPDO as “article 1(5) land” and makes minor amendments to the permitted development rights in Part 40 of Schedule 2 to the GPDO in relation to the installation of domestic microgeneration equipment.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 This Order is made under sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990. These sections give the Secretary of State power to grant planning permission for categories of development specified in a “development order”. The GPDO is made under these powers and grants planning permission for a range of predominantly minor development (known as “permitted development”). Permitted development rights are often granted subject to certain restrictions and conditions.

4.2 The Order substitutes a new Part 1 of Schedule 2 to the GPDO which confers permitted development rights for certain categories of development within the curtilage of a dwellinghouse. The changes in the new Part 1 relate to the enlargement, improvement or alteration of a dwellinghouse (Class A); the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B); any other alteration to the roof a dwellinghouse (Class C); the provision within the curtilage of any building, enclosure, pool or container (Class E); and the provision within the curtilage of a hard surface (Class F). Class G of the previous Part 1 (erection or provision within the curtilage of a container) is subsumed within the new Class E. A new Class G confers permitted development rights in relation to the installation, alteration or replacement of a chimney, flue or soil and vent pipe. Classes D (erection or construction of a porch) and H (installation, alteration or replacement of a microwave antenna) are unchanged from the previous version of Part 1.

4.3 The GPDO confers a more restricted set of permitted development rights in relation to development within sensitive areas (known as “article 1(5) land”). The Order also adds World Heritage Sites to the list of article 1(5) land specified in Part 2 of Schedule 1 to the GPDO.

4.4 Part 40 of Schedule 2 to the GPDO confers permitted development rights in relation to the installation of domestic microgeneration equipment. The Order amends the restrictions in

Class A of Part 40 on the installation of solar photovoltaics or solar thermal equipment on a dwellinghouse or a building within its curtilage.

5. Territorial Extent and Application

This instrument applies in relation to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Householder Permitted Development

- 7.1 Permitted development is development that can be undertaken without the need to apply for planning permission. These rights have existed for many years and provide the freedom for householders to make improvements or alterations to their homes without the cost and delay of applying for planning permission. It also removes the need for local authorities to determine a large number of routine proposals.
- 7.2 Despite the permitted development rights that already exist, the number of householder planning applications submitted in England continues to rise. As stated in the attached Impact Assessment on householder permitted development, we estimate that in 2006/07 there were 328,000 householder applications. This is up from 158,000 in 1995/96 and accounts for just over a half of all planning applications submitted. A considerable amount of time and resources is expended by applicants and planning authorities in submitting and determining these applications.
- 7.3 In addition, the current permitted development rights needed review. As currently framed, they can prevent certain types of uncontentious development without an application for planning permission whilst allowing other forms of development that can have significant impact on others. The current provisions are also difficult to interpret and give rise to frequent misunderstandings. A number of anomalies have also become apparent over the years.
- 7.4 A consultation paper¹ containing proposals to amend householder permitted development rights was issued on 21 May 2007. This consultation paper set out the Government's desire to proceed on the basis of an approach that principally uses the potential impact on others as the basis for what should be permitted development. The paper set out in detail the proposed limits and conditions that would apply to the various types of householder development. Documents containing an analysis of consultees' comments² and the Government's response to the consultation³ were published on 30 November 2007.
- 7.5 A total of 459 responses were received to the consultation document from the following groups:
- Local authorities and other Government bodies – 180 responses (39% of the total)
Environment and community groups – 102 (22%)
Members of the public – 97 (21%)
Businesses – 51 (11%)

¹ <http://www.communities.gov.uk/publications/planningandbuilding/changesdevelopmentconsultation>

² <http://www.communities.gov.uk/publications/planningandbuilding/householderpermitted>

³ <http://www.communities.gov.uk/publications/planningandbuilding/developmentrights>

- 7.6 In general, the notion of permitted development being determined by the potential impact on others was welcomed. However, there was significant comment on the detail of the limits and conditions that were proposed to minimise the impact on others. Following consultation a number of changes to the consultation proposals have been made.
- 7.7 Roof Extensions: the consultation proposed a more restrictive approach for roof extensions by requiring that large dormers were set back at least one metre from the ridge, eaves and sides of the roof to reduce their visual impact on others. Although generally welcomed by planning authorities, serious concerns were raised by the loft industry. They argued that the restrictions would in effect prevent loft conversions in many, particularly smaller, terraced houses since it would not allow a practical amount of living space or the provision of a staircase to the loft area. Given that loft conversions of this type are a very popular form of house extension that allow families to extend their home and thereby avoid the cost and effort of moving to a larger property, it was decided that the current volume allowances for roof extensions would be maintained (subject to them being set back at least 20cm from the eaves so as to avoid an entire rear roof being replaced). As now, a roof extension would not be permitted on the principal elevation and in sensitive areas (as defined in Part 2 of Schedule 1 (“article 1(5) land”) - conservation areas, National Parks, areas of outstanding natural beauty, the Broads and World Heritage Sites) would not be allowed at all.
- 7.8 Rear Extensions: the consultation proposed that the volume allowances for rear extensions should be replaced with limits on how far an extension could extend from the rear wall of the property. Responses from planning authorities showed there was concern that the proposed allowances were a little too generous and that they would allow larger extensions to be built under permitted development than would generally be allowed if planning permission were sought from the local authority. In addition, there was particular concern from a number of planning authorities and residents’ groups that the new limits would have a particular impact in conservation areas where a large rear extension could still have a significant visual impact on the wider area. In the light of these concerns the limits have been reduced by 1m and extensions of more than one storey will not be permitted development on article 1(5) land.
- 7.9 Paving of Front Gardens: the consultation paper proposed that householders should continue to be able to pave over their front gardens under permitted development. Responses to the consultation showed that there was a significant desire for greater control over this type of development to address concerns about water run-off, visual impact and loss of habitat. In the light of this and concerns that the floods of summer 2007 were in part the result of surface water run-off building up in paved areas, the permitted development rights will in the future be framed so that a surface installed to the front of the property should not, in itself, lead to surface water run-off. This can be achieved by the use of porous materials or by using more “traditional” materials and ensuring that any run-off is directed to an area that allows the water to drain away naturally, for example, a garden border. The provision makes clear that the restriction applies to any installed area of more than 5m². Given the regulatory nature of the proposal, a separate Impact Assessment has been prepared on this issue and is attached.
- 7.10 Roof Alterations: the consultation exercise on householder permitted development proposed that for roof alterations, for example, some roof replacements and the installation of “Velux” windows, permitted development rights should be subject to any alteration not projecting more than 150mm above the roof slope. In addition, alterations would not be permitted development on the roof of a principal or side elevation on article 1(5) land.

- 7.11 There was less comment on this aspect of the consultation than for extensions, but the proposed approach was welcomed by the majority of those that responded. However, the existing rights for roof alterations (other than for solar panels) are only restricted in terms of there not being “a material alteration to the shape” of the roof. Given that we are not aware of there being any significant adverse impact of this approach (in sensitive areas) and the fact that we are seeking to create a generally more permissive regime, we now propose that roof alterations should continue to be permitted development on the principal and side elevations in these areas.
- 7.12 In Order to ensure consistency across different Parts of the GPDO, this Order therefore also includes an amendment to Part 40 which removes the restriction on solar panels on the roof of a principal or side elevation in a conservation area or World Heritage Site (they are already permitted development on other article 1(5) land).
- 7.13 Chimneys, Flues and Soil and Vent Pipes: the Order inserts a new Class into the GPDO to make the installation, alteration or replacement of chimneys, flues and soil and vent pipes permitted development subject to them being less than 1m above the highest part of the roof. In addition, they will not be permitted development on a principal or side elevation on article 1(5) land. This is a technical change to ensure that minor types of development do not require an application for planning permission simply because they project slightly above a ridge. It is also sensible given that it may be necessary for them to be installed in this way to comply with the requirements in the Building Regulations.

World Heritage Sites (WHSs)

- 7.14 The white paper *Heritage Protection for the 21st Century*, published by the Department for Culture, Media and Sport in March 2007, undertook to “include World Heritage Sites as article 1(5) land under the Town and Country Planning (General Permitted Development) Order 1995.” This would have the effect of restricting permitted development rights for certain types of development such as the addition of artificial stone cladding or dormer windows which, whilst relatively minor in themselves, could on a cumulative basis have a significant adverse effect on a WHS in terms of reduced protection. This measure would put WHSs on the same footing as other protected areas such as conservation areas, National Parks and Areas of Outstanding Natural Beauty.
- 7.15 The impact of this measure would not be spread evenly across all World Heritage Sites in England, partly because of the variation in the nature of these sites and partly because some sites are already located within article 1(5) land. Separately, and as a further source of protection, the Government recently consulted on a proposal, which would introduce specific notification and call-in requirements for significant development affecting World Heritage Sites.
- 7.16 A consultation paper on this amendment to the GPDO was published on 27 May 2008. The consultation period closed on 22 August. There were some 60 responses from a mix of local authorities, professional associations, local amenity and heritage societies, development interests and the general public. Most respondents were supportive, although there was one substantive objection to making WHSs article 1(5) land. Some respondents thought the Government should go further and give WHSs and their settings more protection from development. The Government will consider these further. Some respondents, who had particular interests in the more rural or extensive WHSs thought that the costs to local authorities of dealing with more planning applications and enforcement were under-estimated in the Impact Assessment, but no revised estimates were provided.

8. Impact

Separate Impact Assessments are attached to this memorandum covering householder permitted development generally, the restriction on the paving over of front gardens and making World Heritage Sites article 1(5) land.

9. Contact

Shayne Coulson at the Department for Communities and Local Government (tel: 020 7944 8716 or email: shayne.coulson@communities.gov.uk) can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency: Communities and Local Government	Title: Impact Assessment of Changes to Permitted Development Rights	
Stage: Final	Version: 1	Date: 2 September 2008
Related Publications: Changes to Permitted Development - Consultation Paper 2: Permitted Development Rights for Householders		

Available to view or download at:

<http://www.communities.gov.uk/publications/planningandbuilding>

Contact for enquiries: Shayne Coulson

Telephone: 020 7944 8716

What is the problem under consideration? Why is government intervention necessary?

Permitted development rights for householders remove the need to apply for planning permission for relatively small-scale and uncontentious types of home improvement and alteration. The current permitted development rights needed review. As currently framed, they can prevent certain types of uncontentious development from proceeding whilst allowing other forms of development that can have a significant impact on others. In addition there has been a significant increase in the number of householder planning applications in recent years placing a significant burden on local planning authorities.

What are the policy objectives and the intended effects?

- To ensure the scope of permitted development is primarily determined by its impact on others
- To give householders greater freedom to extend their properties without needing them to apply for planning permission
- To reduce the burden on local planning authorities by removing unnecessary planning applications from the system

What policy options have been considered? Please justify any preferred option.

Option 1- Do nothing.

Option 2 – Amend the existing volume-based permitted development regime with one that sets out a set of safeguards on size and siting of development to minimise the impact on others (as set out at Annex 1). By placing clear limits and conditions on development, others (particularly neighbours) will be protected from inappropriate development, householders will benefit from a generally more permissive regime and planning authorities will see a significant reduction in the number of routine planning applications.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Within three years, although feedback from planning authorities and householders soon after the changes come into force should indicate whether the changes have been successful.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister:

Hazel Blears

.....Date: 4th September 2008

Summary: Analysis & Evidence

Policy Option: Householder Development	Description: Extending what householders can do to their home without the need to apply for planning permission.
--	---

COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' Around 82,300 applications may be taken out of the system by extending permitted development. Of those, some will seek confirmation that the work is permitted by applying for a Lawful Development Certificate. If 50% chose to do so the cost would be £18m. If 80% did so the cost would be £29m.		
	One-off (Transition) Yrs			
	£			
	Average Annual Cost (excluding one-off)			
	£ 18m to 29m	Total Cost (PV)	£ 150m to 240m	
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Approximately 25% of planning applications could be taken out of the system by these changes. There were an estimated 328,000 householder applications in 2006/07 leading to a potential reduction of about 82,300. The saving in the planning fee and other associated costs is estimated to be £875 per application.		
	One-off Yrs			
	£ 0			
	Average Annual Benefit (excluding one-off)			
	£ 72m	Total Benefit (PV)	£ 600m	
Other key non-monetised benefits by 'main affected groups'				

Key Assumptions/Sensitivities/Risks The potential savings are largely dependent on the number of applications taken out of the system (assumed to be 25%) and the resulting increase in the desire for lawful development certificates (assumed to be 50-80% of the resulting number of reduced cases).

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) £ 360m to 450m	NET BENEFIT (NPV Best estimate) £ 405m
-------------------------	-------------------------	--	--

What is the geographic coverage of the policy/option?			England		
On what date will the policy be implemented?			1 October 2008		
Which organisation(s) will enforce the policy?			Local Authorities		
What is the total annual cost of enforcement for these organisations?			£ None		
Does enforcement comply with Hampton principles?			Yes/No		
Will implementation go beyond minimum EU requirements?			Yes/No		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			Yes/No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£	Decrease of	£ 63.8-71.6m	Net Impact	£ 63.8m-71.6m

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Background

Permitted development is development that can be undertaken without the need to apply for planning permission. This is because planning permission for certain types of generally small-scale and uncontentious development is set down nationally through provisions in the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This provides the freedom for householders to make improvements or alterations to their homes without the cost and delay of applying for planning permission. It also removes the need for local authorities to determine a large number of routine proposals.

Rationale for Government Intervention

Part 1 of Schedule 2 to the GPDO sets out what householder developments benefit from a planning permission granted by that Order. However, the current provisions are viewed as being based on somewhat arbitrary volume allowances – preventing certain types of uncontentious development to proceed without an application for planning permission whilst allowing other forms of development that can have significant impacts on others. The current provisions are also difficult to interpret and give rise to frequent misunderstandings. A number of anomalies have also become apparent over the years.

The estimated number of householder planning applications submitted in England in 2006/07 has risen to 328,000 from 158,000 in 1995/6, an increase of over 100%. Householder applications account for around one half of all planning applications. A considerable amount of time and resource is required by applicants and planning authorities in submitting and determining these applications.

A revision of the GPDO would deliver a more permissive regime than exists at present and remove the need to submit a planning application for many householders. It will also ensure that development which does have a significant impact on others will not be permitted development thus protecting neighbours and the wider community. It will also set out clearly what is and is not permitted - an existing source of frustration amongst local planning authorities as well as members of the public. It should also help to reduce disputes between neighbours.

Consultation

A consultation paper⁴ containing proposals to amend householder permitted development rights was issued on 21 May 2007. The consultation paper set out the Government's desire to proceed on the basis of an approach that principally uses the potential impact on others as the basis for what should be permitted development. The paper set out in detail the proposed limits and conditions that would apply to the various types of householder development. Documents containing an analysis of consultees' comments⁵ and the Government's response to the consultation⁶ were published on 30 November 2007.

A total of 459 responses were received to the consultation document from the following groups:

- Government bodies – 180 responses (39% of the total)
- Environment and community groups – 102 (22%)
- Members of the public – 97 (21%)

⁴ <http://www.communities.gov.uk/publications/planningandbuilding/changesdevelopmentconsultation>

⁵ <http://www.communities.gov.uk/publications/planningandbuilding/developmentrights>

⁶ <http://www.communities.gov.uk/publications/planningandbuilding/developmentrights>

- Businesses – 51 (11%)
- Professional and academics – 29 (6%)

In general, the notion of permitted development being determined by the potential impact on others was welcomed. However, there was significant comment on the detail of the limits and conditions that were proposed to minimise impact. Following consultation a number of changes to the consultation proposals have been made:

Roof Extensions – the consultation proposed a more restrictive approach for roof extensions by requiring that large dormers were set back at least one metre from the ridge, eaves and sides of the roof to reduce their visual impact on others. Although generally welcomed by planning authorities, serious concerns were raised by the loft industry because they argued the restrictions would in effect prevent loft conversions in many, particularly smaller, terraced properties since it would not allow a practical amount of living space or the provision of a staircase to the loft area. Given that loft conversions of this type are a very popular form of house extension that allow families to extend their home and thereby avoid the cost and effort of moving to a larger property, it was decided that the current volume allowances for roof extensions would be maintained (subject to them being set back at least 20cm from the eaves so as to avoid an entire rear roof being replaced).

Rear Extensions – the consultation proposed that the volume allowances for rear extensions should be replaced with limits on how far an extension could extend from the rear wall of the property. Responses from planning authorities showed there was concern that the proposed allowances were a little too generous and that they would allow larger extensions to be built under permitted development than would generally be allowed if planning permission were sought from the local authority. In addition, there was particular concern from a number of planning authorities and residents groups that the new limits would have a particular impact in conservation areas where despite being at the rear there may often be a significant visual impact on the wider area of large rear extensions. In the light of these concerns the limits have generally been reduced by one metre and extensions of more than one storey will not be permitted development in sensitive areas - conservation areas, areas of outstanding natural beauty, National Parks, the Broads and World Heritage Sites. The detailed limits are set out at Annex 1.

Paving of Front Gardens – the consultation paper proposed that householders should continue to be able to pave over their front gardens under permitted development. Responses to the consultation showed that there was a significant desire for greater control over this type of development to address concerns about water run-off, visual impact and loss of habitat. In the light of this and concerns that the floods of summer 2007 were in part the result of surface water run-off building up in paved areas, the permitted development will in the future be framed so that a surface installed to the front of the property should not, in itself, lead to surface water run-off. This issue is dealt with in a separate Impact Assessment and therefore does not figure in any of the analysis of costs and benefits below.

Roof Alterations - The consultation exercise on householder permitted development proposed that for roof alterations, for example, some roof replacements and the installation of “Velux” windows, permitted development rights should be subject to any alteration not projecting more than 150mm above the roof slope. In addition, alterations would not be permitted development on the roof of a principal or side elevation on article 1(5) land.

There was less comment on this aspect of the consultation than for extensions, but the proposed approach was welcomed by the majority of those that responded. However, the existing rights for roof alterations (other than for solar panels) are only restricted in terms of there not being “a material alteration to the shape” of the roof. Given that we are not aware of there being any significant adverse impact of this approach (in sensitive areas) and the fact that we are seeking to create a generally more permissive regime, we now propose that roof alterations should continue to be permitted development on the principal and side elevations in these areas.

In order to ensure consistency across different Parts of the GPDO, this Order therefore also includes an amendment to Part 40 which removes the restriction on solar panels on the roof of a principal elevation in a conservation area or World Heritage Site (they are already permitted development on other article 1(5) land).

English Heritage's publication, *Heritage Counts 2007*, states that they are aware of 9,374 conservation areas in England. No figures exist for what this amounts to in terms of the number of households in conservation areas. If an average conservation area was made up of 200 households this would amount to 1,874,800 households. There are approximately 20.8 million households in England⁷ and therefore around 9% of households might live in conservation areas. Given that the siting of solar panels is dependent largely on the orientation of the property, perhaps only around half of these properties might benefit from this relaxation. Given the savings on the permitted development right changes introduced in April this year showed relative modest overall savings⁸, compared to the savings for householder changes more generally, this Impact Assessment does not go into the detail contained in that earlier one. However, in the light of the above, the costs and benefits of this small change might be in the region of around 4.5% of those indicated in the earlier assessment.

Chimneys, Flues and Soil and Vent Pipes – The Order inserts a new Class into the GPDO to make their installation, alteration or replacement permitted development subject to them being less than 1m above the highest part of the roof. In addition, they will not be permitted development on a principal or side elevation on article 1(5) land. This is a technical change to ensure that minor types of development do not require an application for planning permission simply because they project slightly above a ridge. It is also sensible given that it may be necessary for them to be installed in this way to comply with the requirements in the Building Regulations.

Sectors and groups affected

The sectors most likely to be affected by the proposal are:

- Householders who ultimately pay for and benefit from improvements and alterations to their own homes and who may be affected by works to properties in their neighbourhood.
- Local planning authorities that have to advise householders and businesses on permitted development rights, determine applications for planning permission and lawful development certificates and consider enforcement action where development is in breach of a planning permission.
- Businesses that carry out the building work and often act as agents for the householder when seeking planning permission.

Options

Option 1 - Do Nothing

Do not change the GPDO: the current rules governing householder development would continue to apply.

Option 2 – Amendment of the GPDO on the Basis of Impact

This is a fundamental revision of the GPDO that largely replaces the current volume-based limits on extensions with clear limits on size and siting so as to minimise the impact on others. In addition, conditions will also be placed on permitted development rights to ensure that development is carried out in a way that minimises impact on others, for example, by requiring that materials used on an extension are similar in appearance to that of the existing property.

⁷ *Housing in England 2005/06: A report principally from the 2005/06 Survey of English Housing* is available at <http://www.communities.gov.uk/publications/housing/Surveyenglishhousing>

⁸ *Changes to Permitted Development Rights for Householder Microgeneration – Impact Assessment* is available at <http://www.communities.gov.uk/publications/planningandbuilding/microgenerationia>

The new rules will increase the amount of work that can be done without having to apply for planning permission by allowing certain types of uncontentious development to proceed. For example, previously if a home had already been extended in one way, say at roof level, an application would be required for a subsequent ground floor extension as the earlier development would have used up most or whole of the allowance. The new regime will provide separate permitted development rights for these two types of extension.

The new rules will not allow everything to proceed where it previously could have done because there will be clear limits and conditions as to what is permitted development. These will not though prevent people building an extension or an outbuilding; they will simply ensure that they are built in a way that does not impact significantly on others.

Costs and benefits

Option 1 – Do Nothing

There are no additional economic benefits or costs, although resources will continue to be used in processing applications that have little impact.

Option 2 – Amendment of the GPDO on the Basis of Impact

Costs and savings for householder applicants

The principal cost saving for applicants is through removing the need to apply for planning permission for certain types of development that were previously not permitted development. Work undertaken by White Young Green on the proposals for the Partial Regulatory Impact Assessment that accompanied the consultation exercise indicated that there would be a reduction in the number of applications of around 26-27% nationally.

As explained above in the section dealing with consultation, a number of changes have been made to the proposals following that exercise. In the light of these changes, White Young Green have undertaken further work⁹ to look at potential savings. The work, based on a sample of planning applications from five local authorities, showed that of those applications examined, around a quarter would not have needed to have been submitted under the new regime. This is based on looking at a random sample of 199 applications from the five authorities. This showed that of those applications, under the new regime 50 of them would have fallen within permitted development thereby avoiding the need to seek the specific approval of the planning authority.

On the basis of the figure above, it is possible to estimate the number of planning applications that might be taken out of the Planning system under these changes. The development control statistics only break down the type of development in terms of decisions made (which is lower than applications submitted). However, we do know that there were a total of 647,000 applications submitted in 2006/07 and that 50.7% of decisions were on householder development. Given that we can estimate that there were approximately 328,000 householder applications and therefore around 82,300 applications might be removed from the system. The results of this work also did not show substantial differences between savings for the main, different types of development with estimated savings of around 24% for rear and side extensions, 33% for roof extensions and 27% for outbuildings.

In practice, there may be even slightly higher savings than indicated if, as seems likely, people would be willing to tailor their proposals slightly to fall within the permitted development right limits, however, accurate estimates of the savings will only be possible when we have actual development control figures from planning authorities in future years.

The cost savings indicated below will also be limited by two main factors. First, much of the administrative work required in the preparation of an application will be required to develop plans for builders and building regulations. Second, there may be an increase in the number of requests for lawful development certificates so householders can justify the work undertaken when they come to sell the property.

⁹ White, Young, Greens *Householder Development Consents Review - Estimate of Savings*

The following tables estimate the annual net saving to householder applicants. The fees for both an application for planning permission and a lawful development certificate are set through secondary legislation (The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989).

Reduced number of applications (a)	Admin. cost (per development) (b)	Fee (per development) (c)	Approximate total saved (a x (b+c))
82,300	£725 ¹⁰	£150	£72 million

Increase in Lawful Development Certificates (a)	Admin. cost (per certificate) (b)	Fee (per development) (c)	Approximate total cost (a x (b+c))
41,150 (50%)	£362 ¹¹	£75	£18 million
65,840 (80%)	£362	£75	£28.8 million

No statistics are collected on how many applications for lawful development statistics are made to local authorities. Even if such figures existed it would not necessarily give any better indication as to what proportion of work carried out under permitted development leads to such an application as no information exists on the amount of development undertaken using these rights. The above scenarios, therefore, are to give an indication of the impact on final savings as a result of different levels of application. Whilst we believe many householders will seek the reassurance of a lawful development certificate to prove that what they have done/intend to do has planning permission (particularly as it may reduce any doubt when it comes to selling their home), others will rely on assurances from the builders or architects they employ or simply not see the need for a lawful development certificate if the work is clearly permitted development.

Scenario	Approximate net saving
50% of applicants who no longer require planning permission apply for a lawful development certificate	£54 million
80% of applicants who no longer require planning permission apply for a lawful development certificate	£43.2 million

Work undertaken for the then Office of the Deputy Prime Minister by MORI¹² indicates that 78% of householder applications are submitted by an agent acting on behalf of the householder. Based on this figure, it could be argued that a saving of £33.7 – £42.1 million would accrue to businesses and the balance (of £9.5 - £11.9million) to homeowners.

In addition, this option offers greater certainty provided by permission already being in place and the ability to deliver development more speedily. Potentially, householders will be more willing to carry out extensions knowing that an application for planning permission is less likely to be required and businesses will know that they can proceed with work without the uncertainty and delay potentially caused by the need to apply for planning permission.

For the purposes of calculating the reduction in the administrative burden on business of these changes as well as the £725 planning transaction cost a further £547 per application saved has also been included to cover the cost of the ownership certificate required to accompany an

¹⁰ Based on the PwC Administrative Burdens Measurement Project. The transaction cost of a minor application was calculated as £1450. It was assumed that a householder consent would cost half of this, or £725.

¹¹ The administrative cost of applying for a lawful development certificate is estimated to be half of the administrative cost of applying for planning permission.

¹² *Householder Development Consents Review – Survey of Applicants and Neighbours*

application for planning permission. This burden does not form part of the main calculation of benefits to business in this Impact Assessment due to uncertainty over how it has been arrived at. However, it is appropriate to include in the assessment of the impact on the administrative burden baseline as it was included in the original assessment of administrative burdens. On that basis the administrative burden reduction on business would be approximately £35.1m higher than the savings indicated above, that is, between £68.8 and £77.2 million.

Costs and savings for Local Planning Authorities

The fees charged by local authorities to process householder applications and lawful development certificates cover the average costs of providing the service. We would expect any change in the cost of these services to be covered by the related change in fee income. However, the planning applications to be taken out of the system may be the simplest cases, not the average. Potentially, therefore, it could be argued that there may be a small, additional burden on local authorities although this is difficult to estimate and would likely to be offset in the medium to long-term by a reduction in the amount of time spent on advice and enforcement given that the new rules should be generally clearer to interpret and impact less on others (particularly neighbours).

The overall decrease in workload though will free up staff resource for other planning matters, and in a context of staff recruitment difficulty (particularly in Greater London) the value of freeing up of staff time should not be underestimated.

Based on a reduction of 82,300 applications and assuming a cost per employee of £30,000 it is possible to provide an approximate estimate of the possible saving in terms of staff time of this proposal.

Assuming a working year of 220 days the cost of an employee's working day is £136 – similar to the fee received for a householder application. This means, therefore, that there could be a very approximate annual saving of 82,300 working days (or 374 person years) in relation to the handling of householder planning applications.

However, as recognised above, this saving will be offset somewhat by an increase in requests for lawful development certificates. Assuming that such a request would be dealt with in half the time required for assessing an application for planning permission, a 50% take-up of a request for a certificate amounts to 93.5 working years in terms of processing time and an 80% take-up 149.6 years. This amounts to net savings of 224.4 to 280.5 working years respectively across England.

Environmental impacts

The proposed general change has no additional environmental costs, and by adopting an impact approach a wider environmental benefit could accrue to those previously affected by development that had a significant adverse impact on them.

Implementation

These changes are introduced by the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 which will apply from 1 October 2008.

Enforcement, sanctions and monitoring

It is anticipated that the current regime of enforcement, sanctions and monitoring of development by local planning authorities will be maintained and not need alteration in the light of these changes.

The Government will monitor how the changes have impacted on the number of applications through monitoring of the development control statistics collected from all local planning authorities. Reaction to how the changes have worked in practice and any particular areas of concern or uncertainty are likely to become quickly apparent through representations made to the department by local authorities, householders and business.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	Yes	Yes
Legal Aid	No	Yes
Sustainable Development	Yes	Yes
Carbon Assessment	Yes	Yes
Other Environment	No	Yes
Health Impact Assessment	No	Yes
Race Equality	Yes	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	Yes

A SUMMARY OF THE LIMITS AND CONDITIONS

Class A – Extensions & Improvements

Permitted development subject to the following limits and conditions:

- No extension forward of the principal elevation or side elevation fronting a highway.
- No extension to be higher than the highest part of the roof.
- Maximum depth of a single storey rear extension of three metres for an attached house and four metres for a detached house.
- Maximum depth of a rear extension of more than one storey of three metres including ground floor.
- On article 1(5) land no permitted development for rear extensions of more than one storey.
- Maximum eaves height of extension three metres within two metres of boundary.
- Maximum eaves and ridge height of extension no higher than existing house.
- Side extensions to be single storey with maximum height of four metres and width no more than half that of the original house.
- Two storey extensions no closer than seven metres to rear boundary.
- Roof pitch of extensions higher than one storey to match existing house.
- Materials to be similar in appearance to the existing house.
- No verandas, balconies or raised platforms.
- Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.
- On article 1(5) land no cladding of the exterior.
- On article 1(5) land no side extensions.

Class B – Roof Extensions

Permitted development subject to the following limits and conditions:

- A volume allowance of 40 cubic metres for terraced houses
- A volume allowance of 50 cubic metres for detached and semi-detached houses.
- No extension beyond the plane of the existing roof slope facing onto and visible from the highway.
- No extension to be higher than the highest part of the roof.
- Materials to be similar in appearance to the existing house.
- No verandas, balconies or raised platforms.
- Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.
- Roof extensions not to be permitted development in designated areas.
- Extensions to be set back, as far as practicable, at least 20cm from the eaves.

Class C – Roof Alterations

Permitted development subject to the following limits and conditions:

- Any alteration to project no more than 150 millimetres from the existing roof plane.
- No alteration to be higher than the highest part of the roof.
- Side facing windows to be obscure-glazed; any opening to be 1.7m above the floor.

Class D – Porches

No change to existing permitted development.

Class E – Outbuildings, Enclosures, Swimming Pools and Oil and Gas Containers

Permitted development subject to the following limits and conditions:

- No building, enclosure, pool or container forward of the principal elevation fronting a highway.
- Buildings to be single storey with maximum eaves height of 2.5 metres and maximum overall height of four metres with a dual pitched roof or three metres for any other roof.
- Maximum height 2.5 metres within two metres of a boundary.
- No verandas, balconies or raised platforms.
- Maximum 50% coverage of garden.
- In National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites the maximum area to be covered by buildings, enclosures, containers or pools more than 20 metres from house to be limited to 10 metres².
- On article 1(5) land, buildings, enclosures, containers or pools at the side of properties will require planning permission.
- Within the curtilage of listed buildings any outbuilding will require planning permission.

Class F – Hard Surfaces

Permitted Development subject to:

- Any surface installed in the front garden of more than 5m² to be either porous or to run-off to a porous or permeable surface.

Class G – Chimneys, Flues and Soil and Vent Pipes

Permitted Development subject to:

- The height being less than 1m above the highest part of the roof.
- On article 1(5) land no installation on the principal or a side elevation that fronts a highway.

Class H - Microwave Antenna

No change to existing permitted development.

Part 40, Class G

Solar panels to become permitted development on a principal or side elevation visible from a highway in conservation areas and World Heritage Sites.

SPECIFIC IMPACT TESTS*Competition assessment*

The proposals have no foreseeable effect on competition.

Small Firms' Impact Test

Reform of householder permitted development rights removes a significant regulatory burden from the many small businesses, for example, architects and builders, who design and build domestic extensions and provide professional advice for householders. On the debit side a simplification of the rules could lead to a reduction in those seeking specialist help in order to be able to deliver their work, for example, in preparing plans and drawings for a planning application. However, this is likely to be compensated for by an increase in householders carrying out extensions as a direct result of the regulations being simplified.

Legal aid

There is not likely to be any impact on legal aid.

Sustainable development

There is generally no foreseeable impact on the wider householder changes.

The more permissive change in relation to solar panels will have a marginal positive impact in helping meet our future energy needs in a sustainable way.

Other environment

The impact-based approach to permitted development should ensure that future householder permitted development better considers the wider impact, particularly visual, on the immediate and wider environment.

Carbon assessment

There is generally no impact on the wider householder changes.

The more permissive change in relation to solar panels will have a marginal positive impact in reducing carbon emissions.

Health impact assessment

There is no foreseeable impact on health.

Race equality assessment

As required by the Race Relations (Amendment) Act 2000 we have also examined whether any groups or communities (e.g. ethnic minority groups) would be affected differentially. We believe that they would not.

Disability equality

There is no foreseeable impact.

Gender equality

There is no foreseeable impact.

Human rights

There is no foreseeable impact.

Rural proofing

There is no foreseeable impact.

Summary: Intervention & Options

Department– **Communities and Local Government**

Title:

Permitted Development Rights for Permeable¹³ Surfacing

Stage: **Final**

Version: **5.0**

Date: September 2008

Related Publications: Householder Permitted Development Rights – Consultation and Government Response; Future Water - Government's new Water Strategy

Available to view or download at:

What is the problem under consideration? Why is government intervention necessary?

Householders' use of impermeable materials for converting front gardens to car parking spaces, contributes to flooding and water pollution. The total cost of surface water flooding and water pollution amounts to £270m per year. With climate change, increasing urbanisation, and 'urban creep' (increased amounts of hard surfacing in urban areas), are likely to increase flooding and associated water pollution. Currently, householders do not need planning permission to create parking spaces in their front gardens. The expectation is that most people would opt for permeable materials, if these remained permitted development (PD) and impermeable alternatives became subject to planning permission.

What are the policy objectives and the intended effects?

To reduce surface water runoff from hardstanding in front gardens by restricting, through removing permitted development rights, impermeable hard surfacing.

This should slow any increase in the loss of natural drainage storage and the incidence of surface water flooding. Additional benefits from more effective management of surface water runoff include: improved water quality through reduced water pollution (sewage and diffuse), less flood damage to housing and critical infrastructure, less potential loss of life, and fewer outbreaks of infection associated with foul water flooding.

What policy options have been considered? Please justify any preferred option.

This Final IA compares the costs and benefits of retaining PD rights for hard standing against the option being pursued of removing them for impermeable paving, where this renders the area impermeable (but retaining them for permeable paving). The measure will apply to surfaces where coverage is more than 5m². The purpose of this updated impact assessment is to provide better information on the costs and benefits associated with the change and policy and this IA draws upon preliminary results of research commissioned by CLG to inform its understanding of permeable and impermeable surfaces more generally. The research from which this IA draws will be published in full in due course. **Section 5** of this IA outlines some of the key changes between this final IA and the one published in January 2008

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Three years after the implementation date, 1 October 2008. At this stage stronger evidence will be needed on relative use of different surfaces and monitoring of prices.

Ministerial Sign-off:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister: Hazel Blears

.....Date: 4th September 2008

¹³ Permeable is used generically to refer to both permeable and porous materials. Porous surfacing is a surface that infiltrates water across the entire surface; Permeable surfacing is formed of material that is itself impervious to water but, by virtue of voids formed through the surface, allows infiltration through the pattern of voids.

Summary: Analysis & Evidence

Policy Option: Permeable Paving	Description: Permeable paving would remain permitted development, but a householder would require planning permission to lay impermeable hard standing in their front garden
---	---

COSTS	ANNUAL COSTS		<p>Description and scale of key monetised costs by 'main affected groups' The costs for the summary are based on an assumption of the materials most householders would use to meet the new requirements and the assumptions in Annex A.</p> <p>Costs to householders through increased materials: £14.3m-£62.9m</p> <p>Costs to householders through planning permissions: £0.4m-£1.0m</p>
	One-off (Transition)	Yrs	
	£ 0		
	Average Annual Cost (excluding one-off)		
	£ 14.7m to £63.9m	40	Total Cost (PV) £122.1m to £531.2m
<p>Other key non-monetised costs by 'main affected groups'. Possible new costs: new skills for paving industry and firms specialising in impermeable materials may lose business. Householder disbenefits if they choose non-permeable because of eg aesthetics. Some will opt not to pave at all and lose the benefit of having a hard surface</p>			

BENEFITS	ANNUAL BENEFITS		<p>Description and scale of key monetised benefits by 'main affected groups'</p> <p>Based on the same assumptions used for costs (above), benefits are:</p> <p>Benefits from averted floods £4.9m to £13.4m. Benefits from reduction in CSO costs £2.6m to £7.2m (Impacts on insurers, business and citizens)</p>
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 7.6m to 20.6m	40	Total Benefit (PV) £128.0m to £347.0m
<p>Other key non-monetised benefits by 'main affected groups' The combination of non-monetised and monetised benefits are likely to outweigh annual costs. Other non-monetised benefits are detailed in Section 6. The relatively high costs are due to the high cost of materials. However, these costs are likely to fall considerably over time (Section 8)</p>			

Key Assumptions/Sensitivities/. Assumptions used in this IA are outlined in Annex A. Current research into permeable paving generally uses sensitivity analysis on the key assumptions of this IA to test robustness.

Price Base Year 2007	Time Period Years 40	Net Benefit Range (NPV) £ -184.3m to £16.0m¹⁴	NET BENEFIT (NPV Best estimate) £ See Range
-------------------------	-------------------------	---	--

What is the geographic coverage of the policy/option?		England	
On what date will the policy be implemented?		1 October 2008	
Which organisation(s) will enforce the policy?		Local authorities	
What is the total annual cost of enforcement for these organisations?		£	
Does enforcement comply with Hampton principles?		Yes	
Will implementation go beyond minimum EU requirements?		No EU requirement	
What is the value of the proposed offsetting measure per year?		£ N/A	
What is the value of changes in greenhouse gas emissions?		£ N/A	
Will the proposal have a significant impact on competition?		No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium Large
Are any of these organisations exempt?	N/A	N/A	N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase)	
Increase of	£ 310,000 to £841,000	Decrease of	£ 0
		Net Impact	£ 310,000 to £841,000

Key: Annual costs and benefits: Constant Prices (Net) Present Value

¹⁴ This range of net benefits does not correspond to the subtraction of the highest benefits from the lowest costs and the lowest costs from the highest benefits. This is due to the fact that the scenarios are independent. Hence the lowest estimated benefits come from a scenario which is incompatible to the highest estimated cost scenario. See Table 4.

1. What is the problem?

Surface water flooding occurs wherever high rainfall events exceed the drainage capacity in an area. Such events can lead to serious flooding of property and possessions where surface water flows and collects. The Foresight Future Flooding report estimated that currently 80,000 properties are at very significant risk from surface water flooding (10% annual probability or greater), causing on average £270 million of damage each year.¹⁵ These problems were exemplified during the floods of summer 2007, when extreme rainfall over the Midlands and the north of England led to large-scale flooding, causing around £3 billion of damage. It is estimated that around two thirds of the 55,000 homes affected by the 2007 floods were flooded from surface water run-off.

Climate change scientists predict that while winters will generally be wetter and summers drier, the number and intensity of extreme storms will increase. By the 2080s winter rainfall could increase by 10 - 30% and rainfall intensity by up to 20%.¹⁶ The Government's Foresight report calculated that damages from surface water drainage flooding could increase from £270 million to £1 – 10 billion by the 2080s.¹⁷

Trends that are increasing surface water run-off include increasing urbanisation and, urban creep (see above). It is partly caused by more extensions and outbuildings and an increased tendency for the creation of hard standing (under Class F of the General Permitted Development Order) – usually for off-street car parking. A report by the London Assembly Environment Committee stated that in London alone, around two-thirds of front gardens – equivalent to an area 22 times the size of Hyde Park – are already at least partially paved over, primarily to provide parking bays.¹⁸ A Royal Horticultural Society (RHS) study found that the NE and SW regions had the highest proportion of front gardens paved, each with more than 75% paved.¹⁹

When these pressures are combined, the impacts and costs of severe rainfall could rise sharply. The Foresight report estimated that the number of properties at very significant risk from surface water flooding could rise to 300,000 - 400,000 per year by the 2080s, potentially leading to billions of pounds in economic damages on average each year.²⁰ Water companies could potentially have to spend around £1 billion per year to stop sewer flooding getting worse given increasingly intense rainfall events and increasing urbanisation.²¹

2. Why does it need Government intervention?

Market Failure

At present there is little incentive to mitigate possible water run off effects by using permeable materials. Currently, those who contribute to surface water runoff by increasing the amount of impermeable surface do not bear the full cost or consequences of their actions, because the impacts on flood risk and water pollution are felt further down the drainage catchment. This is therefore an externality (ie a cost not taken into consideration when a householder installs a new hard surface)

¹⁵ Foresight (2004) *Future flooding*, http://www.foresight.gov.uk/Previous_Projects/Flood_and_Coastal_Defence; at least half of these costs are borne through insurance.

¹⁶ UK Climate Impact Programme (2002) *Climate change scenarios in the United Kingdom*, http://www.ukcip.org.uk/scenarios/ukcip02/documentation/ukcip02_scientific_report.asp

¹⁷ Foresight (2004) *Future Flooding*, http://www.foresight.gov.uk/Previous_Projects/Flood_and_Coastal_Defence/index.html

¹⁸ This is a total area to date; London Assembly (2005) *Crazy paving: the environmental importance of London's front gardens*, <http://www.london.gov.uk/assembly/reports/environment/frontgardens.pdf>

¹⁹ Research by MORI, reported in Royal Horticultural Society, *Gardening Matters. Front Gardens: Are we Parking on our Driveways? Do Driveways cause Flooding?* www.rhs.org.uk/learning/research/gardeningmatters/documents/frontgardens.pdf

²⁰ Foresight (2004) *Future flooding*, http://www.foresight.gov.uk/Previous_Projects/Flood_and_Coastal_Defence.

²¹ ICF International (2007) *The potential costs of climate change adaptation for the water industry*, Report for the Environment Agency, http://www.environment-agency.gov.uk/commondata/acrobat/icf2007_cc_report_1920959.pdf

Current policy

Existing policies perpetuate such externalities. Increasing paved areas and curtilage developments such as the erection of outbuildings often do not require planning permission or Building Regulations approvals. There is therefore little incentive for householders to consider sustainable drainage systems for 'curtilage' developments or paved surfaces. Householders face few barriers to increasing the amount of hard standing in their property. Paving front gardens is a permitted development right and therefore can generally proceed without an application for planning permission.

Local control - Article 4 directions and local development orders

Local authorities can apply to the Secretary of State for an Article 4 direction to restrict permitted development rights. This means that they can determine locally for example that impermeable surfacing should no longer be permitted development but subject to planning approval. However, evidence from the Environment Agency suggests that local authorities have been reluctant to use this measure, probably because of the risk of liability for compensation, which could be costly and time-consuming. To address this issue and make it easier for local authorities to exert local control, there is a proposal in the new planning reform bill to remove the right to compensation for any changes made under Article 4 as long as 12 months notice is given. A further measure will allow local authorities to make Article 4 directions without the approval of the Secretary of State.

Assuming that permitted development rights are removed nationally for impermeable surfacing (the proposal being assessed) there would still be local powers in the form of local development orders (LDOs) available to local authorities. LDOs allow local authorities to specify what is permitted development locally, according to local circumstances. In areas where flooding was not considered a risk, local planning authorities could create LDOs to grant planning permission for impermeable surfaces.

3. What are the policy objectives and intended effects?

As part of its wider review of permitted development, Communities and Local Government consulted stakeholders for views on whether laying paving in front gardens should continue to be permitted development²². The General Permitted Development Order currently provides no restriction on a householder's ability to pave over front, side or rear gardens. At present, therefore, there is an increase risk of surface water flooding when impermeable hard surfaces are installed to provide off-street parking in front gardens, as there is no requirement for the surface to be permeable.

Impermeable hard surfaces lead to accelerated runoff of surface water, which can overload sewerage systems in more urban areas. In most cases, it would not be economically or logistically feasible to expand the existing below-ground sewerage network to accommodate an increase in surface water run-off at reasonable cost. To the extent that any existing surplus capacity in sewerage systems is taken up by increased drainage from paving over front gardens, it will reduce the capacity available in those systems to accommodate other forms of development, e.g. foul water from urban infill developments. Even if expansion of existing sewerage systems were undertaken, there would also be implications for expenditure further downstream in increasing the capacity of sewage treatment works (for those areas served by combined surface and foul water sewerage systems). Such expansion measures would increase the Water Industry carbon footprint further (construction and lifetime operating requirements). This problem is likely to intensify as climate change produces more torrential downpours of rain. Another effect of hard surfaces is to reduce street-scene and urban biodiversity. 68% of respondents to the Communities and Local Government consultation felt that there needed to be a national restriction on hard surfaces.

As a result, the Government has decided to change householders' permitted development rights. From 1 October householders who wish to hard surface more than 5m² of their front gardens so as to make the area impermeable would need to seek planning consent from their local planning authorities. Those who opt for permeable solutions, whether by using permeable

²² Changes to Permitted Development: Consultation Paper 2 - Permitted Development Rights for Householders
<http://www.communities.gov.uk/publications/planningandbuilding/changesdevelopmentconsultation>

materials or ensuring permeability where impermeable surfacing is used (eg. by installing soak aways) will not be required to seek planning permission.

Such a change will help mitigate the effects and reduce the possibility of serious flooding events, relative to the projected increase with climate change, as surface water runoff is not exacerbated by an increase in hard standing. There will also be less surface water runoff contaminated with diffuse urban pollution (ie pollution from diffuse sources - including run off from houses, roads, farms etc), and fewer incidences of Combined Sewer Overflows (CSOs), when untreated sewage enters watercourses. It will therefore be an incremental measure, of a portfolio of measures, of the type needed to help reduce flood risk.

A further, unquantified benefit of the policy would be to preserve ground water resources. Parts of the country (such as Sussex and Hampshire) are dependent, to varying degrees, on ground water resources in aquifers for water supplies. These are replenished from rainwater infiltrating into the ground. A consequence of the increased coverage of the country's surface area by impermeable surfaces is that such replenishment is impeded. The use of permeable surfaces, as against impermeable paving, would support replenishment of water resources via ground water recharge. Greater permeability should also increase soil moisture levels which would benefit street trees and it is likely to reduce the risk of trees drying out soils and increasing the risk of subsidence.

4. Policy Options considered

Option 1 - Do nothing

This option was considered as part of the interim impact assessment

Option 2 –Permitted development rights will only apply to any hard surfacing (whether permeable or impermeable where the area covered equals or is less than 5m². Where the area exceeds 5m², PD will only apply where the areas covered (whether though use of impermeable materials or the use of soak aways for impermeable surfacing) is rendered permeable

This measure should significantly reduce the further proliferation of impermeable hard surfacing and encourage the use of permeable materials such as paving or gravel. This would happen in two ways:

- Householders would be deterred from applying for planning permission, because of its associated costs (currently £150) and need to await approval (up to eight weeks), and would therefore pursue permeable paving solutions;
- The costs outlined above, would provide an impetus to manufacturers to increase the supply of permeable surfaces. With greater scale effects and potentially new entrants, the costs of such permeable surfaces may decrease.

The effect of greater permeable surfaces would be to reduce surface water run off and make an important contribution to offsetting the risks of serious flooding, water pollution and danger to public health.

5. Changes since the Interim Impact Assessment

A number of changes have been introduced to inform the Final Impact Assessment based on work carried out by consultants. These include:

- Improved information on the number and size of front gardens in the country

- **Better quantification of Combined Sewer Overflows (CSOs)**
- The approach used for estimating the number of front gardens to which the measure might apply was based on data from the English House Condition Survey (EHCS), using a top down approach. A survey of paving cross-over applications has also been used to generate an alternative scenario.
- Four options (A to D see section on use of materials) for achieving permeability were considered. Estimates have been used on the possible mix of these options.

The estimation of the costs and benefits of adopting Option 2 (front gardens) – see below – will be included in the results of our ongoing research into permeable and impermeable surfaces in general.

6. Detailed costs and benefits of Option 2 (PD rights for permeable surfacing of front gardens)

Estimation of number of front gardens paved over per year

For Scenario A an analysis of the EHCS data showed that an estimated 11.6 million houses in England has a front garden that is partially soft (ie not hard surfaced). This was calculated by multiplying the estimate for the number of front gardens by the proportion that was 20% soft or more.

The proportion of front gardens that would be surfaced with impermeable or permeable coverings in a year was assumed to be 1%. This is due to the costs of putting together a planning permission and the uncertainty of whether it would be accepted.

For Scenario B the results of a survey of paving cross-overs has been used as a proxy for the number of paved over front gardens per year. See the explanation of Scenario B.

Estimation of the use of permeable and impermeable surfacing

For this, an estimation was needed of the percentage of householders which, despite the cost barrier of having to make a planning application, would still opt to pave their front gardens with impermeable material which rendered the surface impermeable.

Whereas the Interim Impact assessment assumed that 0.1 – 1.0% of householders would do this (that is 0.1 to 1.0% of the 1.% which would hard surface their gardens – mentioned above), for the purpose of the final assessment a figure of **1.0%** has been used in line with forthcoming research due to be published shortly. This 1 % figure has been decided upon the basis that the vast majority of householders would not wish to apply for planning permission due to the fee (£150) and the administrative burden of applying (estimated to be £725²³).

Estimating the Decrease in the Number of Households Paving Over Front Gardens

In addition to the substitution between permeable and impermeable surfaces for paving over front gardens there will also be a number of cases where households will choose not to pave over their front gardens due to the increased costs of impermeable paving.

Little is known about the price elasticity of demand (the change in quantity demanded resulting from the given change in price) for paving over front gardens. Therefore a wide range of price elasticities has been chosen (0.5, 1

²³ From the administrative burdens assessment exercise
<http://www.communities.gov.uk/documents/corporate/pdf/regulation-burden.pdf>

and 2). A price elasticity of demand of 0.5 means that for a 10% increase in price there will be a 5% decrease in quantity demanded.

The consultant's information on prices shows a weighted increase of 23% from permeable to impermeable materials. For example assuming an elasticity of demand of 1 implies an equal change (decrease in quantity of 23%). Estimated decreases in the demand for paving over front gardens therefore varies from 11% to 45%.

Estimation of the use of surfacing materials

For this a range of permeable and impermeable options were identified and four possible choices householders might make for choosing permeable rather than impermeable.

The permeable and impermeable surfaces considered were:

Impermeable	Permeable
Concrete blocks	Permeable concrete blocks
Asphalt	Porous Asphalt
Concrete	Reinforced gravel/grass
Block paving	Gravel
	Permeable block paving
	Soak-away rain gardens (impermeable surfaces with soak-away)

The four options considered for choosing permeable solutions over impermeable were:

Option A - Choosing permeable concrete rather than impermeable

Option B - Choosing porous asphalt rather than ordinary asphalt

Option C - Choosing reinforced gravel instead of concrete

Option D - Choosing impermeable block paving draining to a soak-away

These are consistent with the options identified by forthcoming guidance to householders on permeable surfaces.

Estimation of the costs and benefits

See Annex A for further details on the assumptions used to calculate costs and benefits and Annex B for a summary flow chart.

Costs

The following cost items were included in the analysis

Monetised

- Additional cost of permeable materials compared with impermeable materials (see table A1 in annex)
- Cost of maintenance
- Administrative costs
- Cost of planning permission fees

Non Monetised Costs

- Local Authorities will have to monitor compliance to ensure front gardens are not surfaced with impermeable material without planning permission.
- Local Authorities will also incur costs enforcing this policy. However, this would come from existing resources.
- Local Authorities may need to train their planning officials in the new rules.
- Some householders will choose not to pave their garden due to the increase in costs and will therefore lose the benefits they would have otherwise enjoyed.
- Householders may experience disbenefits if they have a preference for non-permeable for other reasons such as aesthetics.
- Potential loss of business to firms specialising in impermeable pavings.

Benefits

Monetised

- Reduced flooding
- Reduced unsatisfactory combined sewer overflows (CSOs)

Other benefits:

- Decrease in diffuse pollution (pollution from different sources)
- Savings in energy costs of treating sewerage
- Deferred investment in sewage treatment capacity
- Improved water quality through reduced water pollution.
- Benefits to the local environment and biodiversity.
- Reduction in the urban heat island effect thus reducing the potential impact of climate change (where gravel rather than asphalt is used)
- Enhanced water resources via ground water recharge

In addition to the above there could be additional benefits. Appearance, for example might be improved through installing a soak-way to a border where impermeable concrete is the chosen covering.

Using this information the costs and benefits per householder can be calculated. This is based on the assumption that the householder chooses to use permeable paving instead of impermeable paving and still desires to pave over their front garden.

Option	Extra Cost per Household	Benefit to Society Per Household Over 40 Years
Option A - Concrete blocks to Permeable concrete block	£494	£187
Option B - Asphalt to Porous asphalt	£1,171	£187
Option C - Concrete to Reinforced gravel/grass	-£49	£187
Option D - Impermeable block paving to impermeable block paving with soak-away	£1,072	£187

For householders that choose to pave with permeable materials the cost ranges from a saving of approximately £50 on existing materials to a cost of approximately £1,050 when the most expensive materials are used (porous asphalt).

Scenario A – Uses the English House Condition survey and assumes that 1% of front gardens are paved over per year. Also assumes that 1% of these, would continue to opt to lay an impermeable surface (despite the cost barrier of seeking planning permission)

Scenario B -This analysis uses data from a recent CLG survey of local authorities (number of requests for cross-overs) rather than data from the EHCS

The assumptions used for this scenario are the same as scenario A apart from the number of conversions in England per year is estimated as 42,776 from the paving cross-over survey results. This was a survey carried out by CLG which sampled a number of County Councils and Unitary Authorities on the number of paving cross overs carried out per year. The results were then weighted to the number of householder applications in each area.

Paving cross-overs are not an ideal proxy for the paving over of front gardens as:

- Paving cross-overs are not needed when the road is unclassified;
- Sometimes front gardens are paved over for uses other than the parking of cars; and
- Paving cross-overs are used for other purposes including some new developments

Weighting the Results

The overall costs and benefits set out in the **summary sheet** (p2) have been calculated by weighting the above results according to an estimation of likely take up for each option over the assessment period. In terms of average costs, the consultants anticipate that over the assessment period, take up will be:

Table 3 - Take up of each option.

Option	Take up (%)
Option A – Permeable concrete blocks	45%
Option B – Porous asphalt	30%
Option C – Reinforced gravel/ grass	20%
Option D – Impermeable block with soak away	5%

These are only the expert opinion of the consultants and are not based on a separate study.

Weighting the results to the estimated material usage gives the following estimated Costs and Benefits²⁴.

Table 4 - Net Costs and Benefits over 40 years.

Scenario	Price Elasticity of Demand Assumption	Total Costs NPV (£ms)	Total Benefits NPV (£ms)	Net Benefits NPV (£ms)
Scenario A - EHCS	0.5	£531.2	£347.0	-£184.25
	1	£464.5	£347.0	-£117.49
	2	£331.0	£347.0	£16.02
Scenario B - Paving Cross Over Survey	0.5	£195.9	£128.0	-£67.94
	1	£171.3	£128.0	-£43.32
	2	£122.1	£128.0	£5.91

8 Conclusions

The results of the analysis show that for both scenario A and B costs outweigh benefits with some of the elasticity assumptions. However as paving over front gardens could be a 'luxury' good the higher elasticity assumptions could be credible. However, taking into account the non monetised benefits listed in Section 6, total benefits are likely to outweigh costs. In addition, due to increased take up and economies of scale, it is likely that the prices of impermeable construction materials will fall considerably over time.

9. Impact Tests

Competition Assessment

It is possible that at present firms that specialise in impermeable paving and surfaces are competing against firms that specialise in permeable paving and surfaces. It is therefore possible that reducing the demand for impermeable paving and surfaces through this measure will restrict competition. This will be mitigated by firms switching their business to permeable paving. As the difference between permeable paving and impermeable paving often depends on the way that it is laid the only constraint for such as switch should be skills. The extent of any restriction in competition will depend on the characteristics of local markets.

The question of market impact is being considered as part of our ongoing research into permeable and impermeable surfacing. The findings from this research will be incorporated in the final report on this research

Small Firms Impact Test

Small firms that specialise in impermeable paving and surface may be adversely affected by this measure. They will have a reduction in their demand for their product and could be left with excess or slow-moving stock. The extent of these effects will depend on these firms ability to convert their business to the supply of permeable paving and surfaces. This again will often only depend on skills. Sufficient notice of this change should also allow firms to adjust their stocks. This measure will be beneficial to smaller firms that specialise in permeable paving and surfaces. Again, these impacts are being examined, involving consultation with key stakeholders, including the industry, as part of our current review.

Legal Aid

No impact is envisaged.

Sustainable Development

Permeable paving is classified as a sustainable drainage technique. Sustainable drainage aims to mimic natural drainage systems and uses less energy and other resources than are used by conventional techniques of transporting, treating and disposing of surface water via the sub-surface sewerage systems. It is therefore more sympathetic to the principle of living within environmental limits that underpins sustainable development.

²⁴ Price Elasticity refers to the responsiveness of a change in on variable with respect to another. In this case demand with respect to price.

Carbon Assessment

Greater permeability through permeable surfacing should increase soil moisture levels, benefiting street trees and carbon absorption levels.

Other Environmental impacts

Control of storm run off and serious flooding, water pollution, ground water depletion and soil moisture levels

Enforcement, Sanctions and Monitoring

Local Planning Authorities would to be responsible for monitoring and enforcement as part of their normal responsibilities.

Health Impact Assessment

The risk of injury, illness or death (potentially on a large scale) through serious flooding and / or water pollution would be reduced.

Race Equality

There would be no discernable impact on race equality

Disability Equality

There would be no discernable impact on disability equality

Gender Equality

There would be no discernable impact on gender equality

Human Rights

There would be no discernable impact on human rights

Rural proofing

Except for the fact that rural areas are more sparsely populated, with less area likely to be made hard surface, there would be no particular impact on rural areas. The benefits calculated above are averaged across the country as a whole, but the benefits of averting surface water flooding will be greater in urban areas and less in rural areas. However, rural homes may have larger front drives to pave over than urban settings.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annex

Annex A: Assumptions used to calculate annual impacts and scenarios

The following assumptions have been made in the cost benefit analysis model to estimate annual impacts and create scenarios for the analysis:

- A 40 year assessment period is used to reflect the long life of paving.
- A discount rate of 3.5% is used from year 1 to 30, and a declining discount rate of 3% from year 31 onwards. This is in line with HM Treasury's "Green Book"²⁵
- The relative costs of permeable and impermeable paving blocks have been provided by various firms within the industry. See table of costs per m²:

Table A1 Comparable Costs of Construction Materials

Cost of material and construction	Unit	Value	Differences in costs
Impermeable Concrete block paving	£/m ²	99.27	
Permeable concrete block paving	£/m ²	116.58	17.32
Impermeable Asphalt	£/m ²	92.86	
Porous asphalt	£/m ²	133.96	41.10
Concrete	£/m ²	91.24	
Reinforced gravel/gravel	£/m ²	89.53	- 1.71
Impermeable concrete block paving	£/m ²	99.27	
Impermeable block paving with soak-away	£/m ²	136.87	37.60

- For domestic front gardens the average area to be paved over for each house is assumed to be the average of the size of a small and a large drive way as provided by a firm within the industry. This is given as 28.5m². It is assumed that 1% of the total number of front gardens that are partially soft will convert to permeable or impermeable surfaces each year.
- The benefit of reduced flooding is measured in line with the assumptions set out in the above mentioned Environment Agency report i.e. that for every 1% reduction in run off surfaces there will be a 9% decrease in sewer related flooding. The average cost of flooding per incident is assumed to be £39,000 in line with the 2007 Environment Agency (EA) report: "A review of the cost benefit of undertaking SUDS retrofit in urban areas". It was also the period used for the Interim Impact Assessment²⁶.
- The fee of applying for a householder planning permission is £150. The cost of the application is assumed to be £725 in line with the administrative burdens assessment exercise²⁷.
- The benefit in terms of Combined Sewer Overflows (CSOs) is also measure in line with assumptions and methodology employed in the 2007 EA report (CSO incidents have a cost of £51,000 per year and or every 1% reduction in run off surfaces there will be a 9% decrease in CSO incidents.
- The number of sewer related flooding is assumed to be 2,452. This is based on the total number of flood incidents as a result of sewer overloads recorded in the OFWAT June returns (2007) covering all sewerage companies in England.
-

²⁵ HM Treasury, 2005, The Green Book: Appraisal and Evaluation in Central Government (<http://greenbook.treasury.gov.uk/>)

²⁶ <http://publications.environment-agency.gov.uk/pdf/SCHO0408BNXZ-e-e.pdf>

²⁷ <http://www.communities.gov.uk/documents/corporate/pdf/regulation-burden.pdf>

Annex B: Summary of Cost and Benefit Calculation using Flow Chart

STEP 1: Calculate the Number of Front Gardens Paved Over per Year

For Scenario A this was assumed to be 1% of stock which was estimated from the English Household Conditions Survey.

For Scenario B this was calculated from a survey of paving cross-overs which were used as a proxy for paving over front gardens. This survey covered a selection of unitary and county councils and weighted the results to the number of householder applications in each authority.



Step 2: Estimates of the use of Permeable and Impermeable Paving

It is assumed that 1% of those who wish to pave over their front gardens after the reform will wish to still use impermeable paving and will consequently apply for planning permission. A range of estimates as to the change in pavings as a result of increased costs has also been made.



Step 3: Type of Materials Used

Four different options for the use of different materials are presented. For each option it is assumed that the choice of materials is only between the permeable and impermeable material presented. Analysis of the different types of material used will be presented in the final report.



Step 4: Planning and Materials Costs

The materials cost is based on information supplied by the paving industry and are presented in table A1. The fee cost is the standard householder application fee of £150. The administrative burden of applying for a householder planning application is taken to be £725 in the administrative burden assessment exercise.



Step 5: Benefits in Terms of Prevented Floods and CSO Run off

The benefits are based on a relationship between surface run-off area and flooding from model in the SUDS report for the Environment Agency. The calculation uses an assumption that the cost per surface run off flood is £39,000 as taken from the EA report. This assumed that for every 1% decrease in surface run-off area there would be a 9% decrease in the number of surface run-off floods and that this is a linear relationship (2% decrease in surface run off would lead to an 18% decrease in the number of surface run-off floods).

Reducing the impermeable area would reduce the number of CSOs categorised as unsatisfactory. Savings would therefore arise as the sewerage companies would no longer need to upgrade these. Average costs of £51,000 per CSO upgrade were estimated using Ofwat's June returns. Reductions in the number being upgraded were again assumed to be 9% if the impermeable area was reduced by 1%.

Summary: Intervention & Options

Department /Agency: CLG	Title: Impact Assessment of restricting some types of permitted development on World Heritage Sites.	
Stage: Final	Version:	Date: 27 August 2008
Related Publications: Heritage Protection for the 21 st Century		

Available to view or download at:

<http://www.>

Contact for enquiries: Phil Weatherby

Telephone: 020 7944 3888

What is the problem under consideration? Why is government intervention necessary?

The problem is the risk of inappropriate development which, although of a comparatively minor nature, could on a cumulative basis have a significant adverse effect on the outstanding universal value of a World Heritage Site (WHS).

What are the policy objectives and the intended effects?

The objective is to prevent the inappropriate development on World Heritage Sites. The intended effects are to preserve the value of World Heritage Sites to the public and prevent any damage to their attraction to tourists.

What policy options have been considered? Please justify any preferred option.

Only two options have been identified: (i) do nothing

(ii) restrict certain permitted development rights which may currently be used for some development on World Heritage Sites.

Doing nothing would perpetuate the risk of incremental development having an adverse effect on World Heritage Sites. Option 2 would enable local planning authorities to turn down proposals which could have such adverse effects, and would therefore preserve their value to the public and their attraction to tourists.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Three years after implementation. CLG will be asking the relevant LPAs for information about planning applications made because permitted development rights have been restricted by option 2.

Ministerial Sign-off For final proposal Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Hazel Blears

.....Date: 4th September 2008

Summary: Analysis & Evidence

Policy Option: 2

Description: Restrict permitted development rights for World Heritage Sites by including them as 'Article 1(5) land'.

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' An increase in applications by developers on World Heritage Sites. Estimated to be between 10 and 100 additional applications per year. Cost estimates on the basis of proposed householder application fee of £150 and administrative burden of £725.
	One-off (Transition)	Yrs	
	£		
	Average Annual Cost (excluding one-off)		
	£ £8,750 - £87,500	Total Cost (PV)	£ 70,000 to £730,000
Other key non-monetised costs by 'main affected groups' No non-monetised costs have been identified.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Benefits cannot be monetised. Contingent Valuation studies however show that the public places a large value on World Heritage Sites. The benefit of preventing inappropriate development will therefore be large. See evidence base.
	One-off	Yrs	
	£		
	Average Annual Benefit (excluding one-off)		
	£	Total Benefit (PV)	£
Other key non-monetised benefits by 'main affected groups' Large benefits from maintaining the value of World Heritage Sites to the public. Benefits from protecting World Heritage Sites as tourist attractions.			

Key Assumptions/Sensitivities/Risks

The assumption of there being 10 to 100 additional applications per year has been based on an estimate by English Heritage.

Price Base Year 2008	Time Period Years 10	Net Benefit Range (NPV) - £730,000 to -£70,000	NET BENEFIT (NPV Best estimate) £ See Range
-------------------------	-------------------------	---	--

What is the geographic coverage of the policy/option?			England	
On what date will the policy be implemented?			October 2008	
Which organisation(s) will enforce the policy?			planning authorities	
What is the total annual cost of enforcement for these organisations?			£ not quantifiable	
Does enforcement comply with Hampton principles?			N/A	
Will implementation go beyond minimum EU requirements?			No	
What is the value of the proposed offsetting measure per year?			£ n/a	
What is the value of changes in greenhouse gas emissions?			£ n/a	
Will the proposal have a significant impact on competition?			No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase)		
Increase of	£ 0.0m to £0.1m	Decrease of	£	Net Impact	£ 0.0m to £0.1m

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Background

At present there are some restrictions on the permitted development rights (i.e. types of development that can go ahead without the need for a planning application to be submitted to and granted by the local planning authority) available for development on land specified as “Article 1(5)” land in Part 2 of Schedule 1 to the Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”). Article 1(5) land currently includes National Parks; Areas of Outstanding Natural Beauty; conservation areas; areas specified under section 41(3) of the Wildlife and Countryside Act 1981; and the Broads.

The following are the main types of development where permitted development rights (PDRs) are altered or not available if proposed on Article 1(5) land:-

- Extensions to dwellinghouses are restricted to 10% or 50 cubic metres (compared to 15% or 70 cubic metres for houses other than terrace houses outside Article 1(5) land);
- No PDRs are available for cladding of exterior of dwellinghouses with stone, artificial stone, timber, plastic or tiles;
- No PDRs are available for alterations to a dwellinghouse roof resulting in a material alteration to its shape (notably dormer windows);
- No PDRs are available for a building greater than 10 cubic metres erected within the curtilage of a dwellinghouse (outside Article 1(5) land PDRs are available for such a building if not within 5 metres of the main dwellinghouse);
- Extensions to and alterations of industrial buildings, electricity undertakers' buildings and operational Crown buildings are restricted to 10% or 500 square metres (compared to 25% or 1000 square metres outside Article 1(5) land);
- Restrictions on the installation of electronic communications equipment for national security purposes.

Rationale for Intervention

Although these are relatively minor types of development, the Government considers that, on an incremental basis, they could have a significant adverse effect on a World Heritage Site's 'outstanding universal value' (the criterion for which such sites are designated). It is therefore important that proposals for such development should be subject to planning application procedures. This can only be achieved by legislation.

Options

Option 1: Do Nothing

Option 2: Restrict permitted development for World Heritage Sites by including them as 'Article 1 (5) land' in the GPDO. This would give these sites the same degree of protection as those enjoyed under the GPDO as National Parks; Areas of Outstanding Natural Beauty; conservation areas; areas specified under section 41(3) of the Wildlife and Countryside Act 1981; and the Broads. Planning permission would therefore be required for the types of development listed above in World Heritage Sites when they are between the Article 1(5) land threshold and the standard PDR threshold.

Groups and sectors for the proposal

The main affected groups would therefore be:-

- Local planning authorities which have World Heritage Sites not already classed as Article 1(5) land;
- Landowners and managers of these World Heritage Sites;
- Members of the public who visit and appreciate these World Heritage Sites; and
- The economy through these World Heritage Sites' attractions to tourists

Costs and benefits

Option 1 – do nothing

There would be no associated costs or benefits in this option, but there would be a continuing risk of incremental development having significant adverse effect on World Heritage Sites.

Option 2 – implement the proposed amendment to the General Permitted Development Order

Costs to Developers of World Heritage Sites

This option will impose a cost on the landowners of World Heritage sites as they will now have to apply for planning permission to carry out any development between the Article 1(5) threshold and the standard PDR threshold on Article 1(5) land. This will not however, generate a large number of planning applications as 8 of the 17 English sites are already located wholly within Article 1(5) land and some of the other sites are partially on Article 1(5) land.

It is difficult to predict with any degree of accuracy how many planning applications would be generated as a consequence of these additional restrictions, but English Heritage estimate that it would be of the order of 10s rather than 100s of cases per year.

For assessment of costs on the summary sheets a range of additional planning applications has therefore been chosen from 10 to 100 per year. Since developments restricted by being on Article 1(5) land primarily relate to dwellinghouses, it is assumed that these will be householder applications. The fee for these planning applications is assumed to be the proposed fee of £150 from April²⁸. The administrative burden of submitting a householder planning application is assumed to be £725 from the assessment of administrative burdens for Communities and Local Government²⁹. This leads to the following range of estimates:

Low estimate: 10 * (£725+£150) = £8,750

High estimate: 100 * (£725+£150) = £87,500

The increase will not be spread uniformly across the existing World Heritage Sites since 8 of the 17 English sites are already located wholly within Article 1(5) land, and the impact of the proposal is likely to vary considerably in the remaining sites. The two sites where the effect is likely to be greatest are the City of Bath and the Cornish and West Devon Mining Landscape. At Bath the considerable parts of the World Heritage Site not within conservation areas would be brought within the new controls. Some of the additional planning applications which might be submitted here, particularly for industrial extensions, could be for development with an adverse impact given the sensitivity of views down into the city from the surrounding hills. Significant parts of the Cornish and West Devon Mining site are not currently on Article 1(5) land, and the nature of this site means that the sort of developments to which Article 1(5) relates could over time cause a significant erosion of outstanding universal value.

Impact on Local Planning Authorities

There should be no additional costs to Local Planning Authorities as the processing of the applications should be covered by the fee income. In addition, enforcement obligations should be met by existing resources.

Benefits

²⁸ See the Government's Response to the Consultation on Planning Application Fees: <http://www.communities.gov.uk/publications/planningandbuilding/planningfees> and SI 2008/958

²⁹ <http://www.communities.gov.uk/documents/corporate/pdf/regulation-burden>

This option would prevent the cumulative impact of inappropriate development on World Heritage Sites. This will help preserve World Heritage Sites' value to the public as well as their value as tourist attractions. Although it is not possible to quantify this effect, the scale of the potential value of these sites can be better understood by contingent value surveys³⁰. A 1999 contingent valuation study by Maddison and Mourato of securing the preferred access option to Stonehenge³¹ valued that option at £152 million. This demonstrates the potentially large benefit of preserving the value of World Heritage Sites.

Response to consultation

The consultation period ended on 22 August 2008 and some 50 responses were received. There was general support for option 2 and no new evidence was provided that would change the assumptions in the Consultation version of the Impact Assessment.

Conclusion

Option 2 is the preferred option as it will protect the value of World Heritage Sites to the public and as tourist attractions. The potential large benefit of preventing inappropriate development is believed to outweigh the small additional burden on the developers of World Heritage Sites.

Monitoring and evaluation

The Department will ask the relevant Local Planning Authorities how many planning applications have been made because permitted development rights have been restricted because the World Heritage Site was not previously Article 1(5) land. We would also ask how many have been granted and how many refused and an estimate of the fee income obtained.

Specific Impact Tests

Small Firms Impact Test

There may be some impact on building firms in the specific areas affected, as they would be unable to carry out certain types of work, eg. cladding and fitting dormer windows if a planning application for such work were refused. Against that, where planning consent is granted subject to conditions, for example that a dormer window is of a particular type or material that fits in with the overall character of the buildings and surroundings, the impact on small firms would be more limited and a demand for specialist services might be created which did not exist before.

Competition Assessment

No impact on competition has been identified.

Legal Aid Impact

No impact on legal aid has been identified.

Sustainable Development/ Other Environmental Impact

There should be a reduction in inappropriate development on World Heritage Sites, resulting mainly in visual/landscape benefits.

Carbon Impact

No impact on carbon has been identified.

Health Impact

³⁰ For more information on contingent valuation surveys see Annex 2 of the Treasury Green Book: <http://greenbook.treasury.gov.uk/>

³¹ Maddison and Mourato (1999) 'Valuing Different Road Options for Stonehenge' Norwich : Centre for Social and Economic Research on the Global Environment

No impact on health has been identified.

Race Equality/Disability Equality/Gender Equality Impacts

No impact on race equality, disability equality or gender equality has been identified.

Human Rights Impact

No impact on human rights has been identified.

Rural Proofing

No rural proofing issues have been identified.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No