Historic England

**Consultation Response: Permitted Development Rights: Supporting Temporary Recreational Campsites, Renewable Energy and Film Making**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation on Permitted Development Rights: Supporting Temporary Recreational Campsites, Renewable Energy and Film Making.

## Section 2: A New Permitted Development Right for Temporary Recreational Campsites

**Q1. Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities?**

**Q2. Do you agree that the permitted development right should only apply to the placing of tents?**

**Q3. Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land?**

**Q4. Do you agree that the permitted development right should be limited to up to 60 days per calendar year?**

Response to questions 1 – 4:

We understand the stated objectives in seeking to introduce a new permitted development right (PDR) for recreational campsites, in that it would promote domestic tourism, enable people to enjoy breaks in England and offer landowners the flexibility (within limits) in providing temporary campsites.

We recognise the intention to put sensible limitations and restrictions in place in order to manage the potential impacts from such sites. However, there are potentially a number of unintended consequences flowing from the proposals, which need to be addressed to avoid any adverse impacts whilst still achieving the desired objectives.

If the PDR for temporary use of land for recreational campsites and associated facilities were to be introduced, we agree this should be limited to tent pitches (as

opposed to motor-homes/caravans/etc), with controls in place to manage the extent of the campsite and ensure its temporary nature.

However even temporary recreational campsites, with a limited number of tents, have the capacity to impact on cultural and/or natural landscapes, either physically or visually, which in turn will impact on the ability of people to understand, experience and appreciate those landscapes and places that they have come to visit.

Whilst the number of tents can be specified, in order to manage impacts, it might be less easy to manage the different impacts from different scales or types of tents if there are no set parameters or guidelines as to what constitutes a tent for recreation purposes.

Consideration needs to be given not just to the impacts of individual campsites but also to the number of recreational campsites which can be introduced under PDRs by a single landowner, or where multiple landowners have land with a contiguous boundary. Without this additional provision there is a risk of clustering of campsites with cumulative impacts around access, servicing, amenity and on the historic environment.

Clearly defining temporary camping pitches would be beneficial so it is clear this would not include provision of electric hook-ups and areas of hardstanding or landscaping to facilitate flat pitches. Clarification is also needed regarding controls over vehicle movements and siting of parking facilities to minimise ground disturbance and potential risk to archaeological remains. This includes potential damage from pegs and piling, digging holes, and campfires.

**Q5. Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets?**

The necessity for temporary on-site facilities for waste-disposal, showers and toilets is understood to avoid unintended consequences, particularly for temporary recreational campsites located within sensitive landscapes. Careful consideration needs to be given to the siting of on-site facilities and their servicing including water and electricity supply and vehicle movements for their onsite and offsite transfer and waste management. In this respect the requirement for site plans to form part of prior notification is welcomed.

In terms of siting, controls to limit the use of hardstanding or landscaping for on-site facilities would be welcomed as would seeking alternative solutions such as the use of matting for surface management. It is also important for local planning authorities (LPAs) to consider the potential risks to the historic environment from the transfer and servicing of on-site facilities. This includes potential risks to archaeological remains from ground disturbance caused by vehicle and pedestrian movements, and cabling or pipe connections for water and electricity. The types of on-site facilities should also be carefully considered. For example, moveable structures may extend to the use of marquees which would risk harm to archaeological remains from pegs/piling.

Further clarification on the arrangements for temporary on-site facilities would be welcomed in order to determine how long they would be in place. Despite being moveable structures there is the risk on-site facilities may be left in place for longer periods to support this flexible PDR. This would impact on the historic environment, particularly in locations such as World Heritage Sites and rural conservation areas, and/or on the settings of nearby designated heritage assets.

**Q6. Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building?**

Yes, Historic England supports the exclusion of scheduled monuments and land within the curtilage of a listed building from the temporary recreational campsite PDR. This is important to prevent unintentional impacts and possible damage which would harm the significance of scheduled monuments and listed buildings.

**Q7. Are there any other planning matters that should be considered?**

Yes, proposals mean that PDR for camping would apply to conservation areas, World Heritage Sites, national parks and the Broads and Areas of Outstanding Natural Beauty (AONBs) (collectively "article 2(3) land"). We recognise the attraction of these allowing temporary campsites in these location as visitors are drawn by the natural and cultural heritage features of these landscapes.

Aside from being important cultural landscapes they also contain significant numbers of designated heritage assets. For example, national parks and AONBs contain 66,000 listed buildings, 9,000 scheduled monuments (nearly half the total number in England) and in excess of 360 historic registered parks and gardens[1]. In addition to seeking to preserve or enhance their natural beauty and wildlife, there is a specific legal duty to preserve of enhance the cultural heritage of a national park.

Historic England would therefore welcome extending exclusions to include article 2(3) land. This means that impacts on designated landscapes and heritage assets such as World Heritage Sites and conservation areas could be properly considered through the submission of a planning application.

The exclusion of article 2(3) land is consistent with the approach taken with other PDRs in the GPDO and ensures continued protection and conservation of the historic environment. Restrictions in those areas would not automatically preclude such development as it can be effectively managed through the planning application process.

As framed the current proposal has the potential for a proliferation of temporary recreational campsites which could impact on the outstanding universal value (OUV) of World Heritage Sites, including from within their buffer zones and settings. This

[1] https://historicengland.org.uk/listing/what-is-designation/local/natural-designations/

could occur in locations such as the English Lake District, Cornwall and West Devon Mining Landscape, Dorset and East Devon Coast (Jurassic Coast) and Ironbridge Gorge World Heritage Sites which are popular tourist destinations. It should also be noted that World Heritage Site Management Plans may specify arrangements for responsible tourism in order to manage risks to an area's OUV, and a blanket PDR for temporary campsites may run counter to those Management Plans. As a State Party under the 1972 World Heritage Convention the UK also has a duty to protect and conserve World Heritage Sites.

The location of campsites within conservation areas also risks harming the special architectural and historic interests which contribute to their designation. There are approximately 10,000 conservation areas in England and 59% of these are in rural locations. The largest conservation area is Swaledale and Arkengarthdale in the Yorkshire Dales National Park. It covers 71 square kilometres and is an upland landscape where the conservation area protects around 1,000 traditional farm buildings and the dry-stone walls that criss-cross the landscape. Managing temporary campsites through the planning process in these location supports appropriate safeguards for sustainable and responsible tourism.

This new PDR would require an amendment to Schedule 2, Part 4, Class B of the GPDO– temporary use of land. This presents an opportunity to review other limitations under that PDR to exclude scheduled monuments from activities specified to avoid the impact and risk of harm from motor car and motorcycle racing which is currently permitted.

**Q8. Do you agree that the permitted development right should require annual prior notification to the local authority of the matters set out above?**

Yes, annual prior notification would allow LPAs to monitor take-up of the recreational campsite PDR and, should there be any question of non-compliance with the requirements of the new PDR, it would make enforcement more straightforward.

## Section 3: Permitted Development Rights for Solar Equipment on and within the Curtilage of Domestic and Non-Domestic Buildings

**Q12. Should the permitted development right for solar on domestic rooftops be amended so that they can be installed on flat roofs where the highest part of the equipment would be no higher than 0.6 metres above the highest part of the roof (excluding any chimney)?**

**Q13. Are there any circumstances where it would not be appropriate to permit solar on flat roofs of domestic premises?**

Response to questions 12 and 13:

Solar energy generation is an accepted renewable technology. Historic England recognises the potential benefits of installing solar equipment on flat roofs to provide cheaper energy and assist in carbon reduction. The proposed amendment for

domestic premises will also bring the PDR in line with solar PV installation for non-domestic buildings (Part 14, Class J of the GPDO).

However, careful consideration should be given to positioning and design. For example, it is unclear if the provision for equipment to be higher than 0.6 meters above the highest part of the flat roof allows for solar PV panels to be tilted up towards the sun.

Historic England's advice on Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (2018) highlights the potential for visual impacts of tilted solar PV panels on flat roofs. The advice shows that visual impacts can be minimised by mounting panels at low pitch angles (as low as 10 degrees), or even laying them flat. To reduce the risk of visual impact on the historic environment the inclusion of conditions in the PDR for maximum tilt permitted for installed on flat roofs would be welcomed.

Further safeguards would be welcomed for:

- Conditions for pitched roofs (Schedule 2, Part 14, Class A.2) to also apply to flat roofs. So that where practicable, this would ensure the microgeneration solar PV installation seeks to minimise the effect on the external appearance of the building and amenity of the area; and
- For solar panels to be set back from the edge of the flat roof in line with the exclusion for non-domestic buildings (Schedule 2, Part 14, Class J.2) in order to reduce the impact on historic character and design.

In terms of exclusions, the limitations set out in the right for solar equipment on domestic premises (Part 14, Class A.1) should apply to installation of microgeneration solar PV panels for flat roofs.

There are conservation areas, such as the post-war Parkleys Estate, Richmond[1], where the roofscape (of flat roofs) is fundamental to their special architectural or historic interest. In these instances, it may be necessary for the LPA to control the use of this PDR through an Article 4 Direction. It might be beneficial if any guidance accompanying this PDR were to acknowledge this.

**Q14. Do you agree that solar on a wall which fronts a highway should be permitted in conservation areas?**

**Q15. Do you have any views on the other existing limitations which apply to this permitted development right which could be amended to further support the deployment of solar on domestic rooftops?**

**Q16. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the dwellinghouse in conservation areas, should be removed?**

Response to questions 14 to 16:

Historic England recognises the need for sustainable solutions to address climate change including the provision of renewable energy. Renewable energy has the

greatest value when accompanied by other measures such as cutting energy consumption. Localised renewable energy generation on domestic properties can save money and reducing carbon emissions.

There are very few restrictions on solar provision for domestic premises. The PDR for installation or alteration of solar equipment on domestic premises (Schedule 2, Part 14, Class A and B) allows solar equipment on article 2(3) land including within conservation areas and World Heritage Sites on roof slopes, rear elevations and behind the front building line, such as in rear gardens.

The few additional limitations for solar PV installation on walls fronting a highway, and forward of the building line, in conservation areas (Schedule 2, Part 14, Classes A.1 and B.1) are important to retain for the following reasons:

- The importance of recognising special character and appearance of conservation areas is set out in legislation and national policy. It is the duty of the LPA that 'Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'[2]. The NPPF (paragraph 191) confirms the value of a conservation area is its special architectural or historic interest.
- Conservation areas are diverse, with around 10,000 designated nationally. Our research[3] shows they create an important sense of place-based identity, encourage community cohesion, and promote regeneration.
- Relaxing the PDR to allow installation of solar equipment on walls and front gardens risks harming those features of special interest which contribute to its designation as a conservation area. This includes design, use of materials, and extent of coverage (where, according to the consultation a medium size dwelling may have a surface area of up to 20m – paragraph 32).
- The proposal to allow solar panels on the walls of buildings (facing a highway) is particularly problematic, in that it would potentially allow solar panels on the front elevation of every unlisted domestic property in every conservation area in the country. This has the potential to cause significant harm to the character or appearance of conservation areas, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The limitations on stand-alone solar arrays for domestic properties (5m from any curtilage boundary, 9 sqm. maximum, etc) mean that the circumstances in which they could be installed are more limited. There is still the potential for harm to the character or appearance of conservation areas, albeit to a lesser degree than panels attached the font elevation walls of unlisted domestic buildings.
- Retaining the limitations does not automatically preclude solar provision within conservation areas (outside the scope of existing the existing PDR), it simply directs proposals through the planning application process where the impact

[2] Clause 72 (2) of the Planning (Listed Building and Conservation Area) Act 1990.

on conservation areas can be fully considered and optimum solutions identified to avoid or minimise the risk of harm.

The deployment of domestic solar energy generation can be supported in other ways, such as through incentives identified in the British Energy Security Strategy (April 2022). This includes removal of VAT for residential solar schemes and low-cost finance options.

**Q18. Do you agree that the current threshold permitting the generation of up to 1MW of electricity on non-domestic buildings should be removed?**

No, removing the 1MW threshold for solar power generation (below the NSIP threshold) on non-domestic buildings is likely to have unintended consequences for the historic environment.

'Non-domestic buildings' cover a broad definition. For example, it will permit large scale deployment of rooftop solar equipment on buildings with a large footprint where the extent of solar provision risks impact on the setting of heritage assets. There is also the potential for large scale solar deployment with impacts from cabling, grid connections or battery storage and associated works risking harm to building fabric and archaeological remains.

If the upper limit is removed, it is important to introduce the requirement for prior approval to take account of the historic environment in order to effectively manage impacts. This should include prior approval for heritage and archaeology[3] with:

- The requirement to consult Historic England where generation exceeds 1MW (in circumstances where we would currently be consulted under the need for planning permission); and
- Preparation of a heritage impact assessment to inform prior notification.

There is a precedence for these prior approval arrangements for other classes within Schedule 2 of the GPDO[4].

**Q20. Are there any circumstances where it would not be appropriate to allow for the installation of non-domestic rooftop solar where there is no limit on the capacity of electricity generated?**

Scheduled monuments and listed buildings are excluded from the PDR (Part 14, Class J.1 and Class J.2) and this restriction should remain in place regardless of any limitations on capacity. However, there are fewer protections for article 2(3) land

[3] "Heritage and archaeology" would be consistent with other, existing prior approval matters (e.g. Part 20, Class ZA). Whilst the specific reference to archaeology is welcomed, there is a degree of tautology in the phrasing.

[4] For example, the General Permitted Development Order directs consultation with Historic England for prior approval applications for Schedule 2 Part 1 Class AA – enlargement of a dwelling house by construction of additional storeys and Part 4 Class BB – moveable structures for historic visitor attractions and listed pubs, restaurants etc.

where there are narrow exclusions for solar equipment on rooftops or walls fronting highways. There are no specific limitations for similar area-based designations such as registered parks and gardens and registered battlefields.

If the 1MW threshold for non-domestic rooftop solar was removed, Historic England would welcome exclusions for article 2(3) land to align with exclusions for listed buildings and scheduled monuments in order for large scale proposals (over 1MW) to be managed through the planning application process. This would manage risks of harm to the significance of heritage assets within conservation areas which are designated for their special architectural or historic interest; and to the OUV of World Heritage Sites (heritage designations of international importance).

**Q21. Do you agree that the existing limitations relating to the installation of solar on non-domestic buildings in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?**

Historic England recognises the need for sustainable solutions to address climate change including the provision of renewable energy for non-domestic premises.

There are currently few restrictions on solar provision for non-domestic premises, with Schedule 2, Part 14, Class J of the GPDO allowing solar equipment on rear elevations and the rear of article 2(3) land, including conservation areas and World Heritage Sites.

The existing limitations for solar PV installation on non-domestic roof slopes and walls fronting a highway on article 2(3) land are important to retain for the following reasons: The historic/cultural environment is an important facet of all land covered within the article 2(3) definition; its conservation is relevant in all cases.

- The importance of the character or appearance of conservation areas is set out in legislation and national policy. It is the duty of the LPA that 'Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'[5]. The NPPF (paragraph 191) confirms the value of a conservation area is its special architectural or historic interest.
- Relaxing the PDR to allow installation of solar equipment on non-domestic rooftops and walls risks harm to the significance of heritage assets which are fundamental to article 2(3) land and their designations. This includes harm to setting and visual impacts.
- The proposal to allow solar panels on the walls of buildings (facing a highway) is particularly problematic, in that it would potentially allow solar panels on the front elevation of every unlisted non-domestic property in every conservation area in the country. This has the potential to cause harm to the character or appearance of conservation areas, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990.

[5] Clause 72 (2) of the Planning (Listed Building and Conservation Area) Act 1990.

- The proposals also have the potential to cause significant harm to World Heritage Sites, which are recognised in the NPPF as being designated heritage assets of the highest significance. This PDR is potentially contrary to World Heritage Site Management Plans which are important to manage risks to an area's OUV. As a State Party under the 1972 World Heritage Convention the UK also has a duty to protect and conserve World Heritage Sites, and extending PDRs within WHS has the potential to be problematic in relation to those international designations .
- The broad range of building, and site, types covered by "non-domestic", in all types of article 2(3) land, is problematic in anticipating every single impact. There may be the possibility of exploring relaxations for particular types/classes of non-domestic buildings within conservation areas, although this may introduce an unwanted degree of complexity to the GPDO.
- Retaining the limitations does not automatically preclude solar provision, it simply directs proposals through the planning application process where the impact on article 2(3) land can be fully considered and optimum solutions identified to avoid or minimise the risk of harm.

**Q22. Do you have any views on how the other existing limitations which apply to the permitted development right could be amended to further support the deployment of solar on non-domestic rooftops?**

The existing limitations in place relating to the historic environment do not preclude the deployment of solar on non-domestic rooftops as a matter of principle. Instead, they direct this type of development through the planning application process where impacts on the historic environment can be assessed by an LPA in line with existing legislation and policy.

**Q23. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the building in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed?**

No, there are very few restrictions on stand-alone solar provision for non-domestic premises. The PDR (Schedule 2, Part 14, Class K) allows stand-alone solar equipment on article 2(3) land including conservation areas and World Heritage Sites located on the rear or side of buildings, whereas allowing solar panels on the front of, or in front of, unlisted non-domestic buildings in conservation areas and World Heritage Sites has the potential to cause significant impact on their special interest/OUV.

The rationale for retaining existing limitations on article 2(3) land is the same as that set out in the response to question 21.

**Q25. Do you agree that permitted development rights should enable the installation of solar canopies in ground-level off-street car parks in non-domestic settings?**

Yes, although the PDR needs to be accompanied by appropriate limitations and prior approval/conditions to manage any impacts. Non-domestic solar carports, such as those abroad and in parts of the UK are beneficial in providing local energy generation to provide power for EV charging points, commercial businesses, local communities, etc.

When specifying the parameters for this new PDR, key considerations for the historic environment are the impacts on designated heritage assets and their settings, as well as ground works impacting buried archaeological remains. For example, carparks could potentially contain relatively undisturbed and highly important archaeological remains and canopy foundations and cabling connections may entail significant groundworks. Therefore, it is important that location, siting, scale, design, heritage and archaeology are addressed through prior approval.

The inclusion of plans, written description, and depth of ground works in prior approval applications would assist in the heritage and archaeological assessment of potential impacts. A condition such as Schedule 2, Part 20, Class ZA[6].2(i) which states the developer must apply for prior approval as to the impact of development on heritage and archaeology, should be replicated for the PDR for solar canopies on surface carparks. We would welcome consultation with Historic England on prior approval of heritage and archaeology where proposals would fall within our remit under the normal planning application route (e.g. the setting of highly graded heritage assets, within highly graded registered parks and gardens and battlefields).

**Q26. Do you agree that a permitted development right for solar canopies should not apply on land which is within 10 metres of the curtilage of a dwellinghouse?**

Yes, as the quality of place and amenity of nearby residents are important considerations. Setting a buffer zone between non-domestic solar canopies and dwelling houses might also reduce the risk of unintended consequences for the historic environment. The PDR should also not apply on land which is within 10 metres of the curtilage of a block of flats to ensure consistency with other classes in Part 14.

**Q27. Do you agree that a permitted development right for solar canopies should not apply on land which is in or forms part of a site designated as a scheduled monument or which is within the curtilage of a listed building?**

[6] Demolition of building and construction of new dwelling house in their place

**Q28. Do you agree that the permitted development right would not apply to article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites?**

Response to Questions 27 and 28:

Yes, the PDR should not apply to scheduled monuments, the curtilage of listed buildings, and on article 2(3) land as solar canopies have the potential to cause harm to the significance of the historic environment in the following ways:

- Impacts on designated heritage assets and their settings as result of the installation of the canopies, including their potential for glare.
- Impacts to the character of an area from the design and materials of solar canopies being out of keeping with those that are fundamental to its sense of place and designation.
- Physical impacts to archaeological remains from the associated ground works e.g. supporting columns, cabling, and battery storage.

**Q30. Do you think that the right should allow for prior approval with regard to design, siting, external appearance and impact of glare?**

Yes. The right should allow prior approval for design, siting, external appearance, and impact of glare. Due to potential impacts, heritage and archaeology should be included as prior approval matters alongside those listed.

We recommend using prior approval arrangements for heritage and archaeology for solar canopies on surface carparks are set out in our response to question 25.

**Q31. Are there any other limitations that should apply to a permitted development right for solar canopies to limit potential impacts?**

Yes. We support the proposals that the solar canopy PDR should not apply on land which is in or forms part of a site designated as a scheduled monument, or which is within the curtilage of a listed building, as well as article 2(3) land.

We recommend that the PDR also does not apply to land designated under the Historic Buildings and Ancient Monuments Act 1953 (i.e. registered parks and gardens and registered battlefields) and that proposals for solar canopies within these assets are directed through the planning application process.

Registered parks and gardens and registered battlefields are designated for their special interest, a key component of which is their open landscape character. Solar canopies over surface carparks have the potential to be an intrusive element within those historic areas and to cause potentially significant harm to their special interest.

Another important reason for the designation of historic battlefields is their archaeological remains and/or archaeological potential. Below-ground remains also have the potential to yield important information about previous phases of registered parks and gardens. The possibly significant groundworks associated with solar

canopies (foundations, utility/cable trenches, etc.) have the potential to cause harm to below-ground archaeology.

A further limitation could be applied to set thresholds for solar canopies using the micro-generation definition in the Electricity Act 2004. This establishes clear parameters for the scale of scheme allowed under PDRs while directing larger schemes through the planning application process where environmental and heritage impact assessments would be required as supporting evidence. Setting a threshold would also align the solar canopy PDR with solar energy generation PDR for domestic and non-domestic uses.

## Section 4: Providing further flexibility to allow local authorities to undertake development

**Q34. Do you agree that the permitted development right allowing for development by local authorities should be amended so that the development permitted can also be undertaken by a body acting on behalf of the local authority?**

It is understood that amending the PDR for Part 12, Class A of the GPDO will allow greater flexibility particularly for the installation of electric vehicle charging points. If this amendment were to be made, Historic England would welcome assurances that contractors working on behalf of LPAs were aware duties and any advice and guidance in relation to the historic environment. This could be achieved through established standards and codes of construction practice which take account of the historic environment.

*Policy and Evidence*
*Historic England*
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