

## Habitat Regulations and Permitted Development

Under the Town and Country Planning Act 1990, planning permission is required for most types of development. Some types of development are automatically granted permission through the General Permitted Development Order 2015 (GPDO). These are known as permitted developments, and do not require a formal planning application.

However, the Conservation of Habitats and Species Regulations (commonly known as the Habitats Regulations) introduce an important exception: If a permitted development is likely to have a significant effect on a European protected site—either on its own or in combination with other projects—it cannot proceed until the developer receives written confirmation from the Local Planning Authority (LPA) that no further approval is needed.

### Nutrient Neutrality in Cumbria

In Cumbria, nutrient neutrality rules aim to prevent additional phosphorus pollution in the catchments of four protected sites:

- River Eden SAC
- River Derwent and Bassenthwaite Lake SAC
- River Kent SAC
- Esthwaite Water Ramsar site

Permitted developments that increase overnight accommodation—such as temporary campsites—are likely to trigger the Habitats Regulations due to their potential impact on these sensitive areas.

### Seeking Clarity: Natural England's Role

To determine whether a proposed development is likely to have a significant effect, developers can apply to Natural England under Regulation 76 for a formal opinion. The application must include:

- A description of the proposed development
- Any relevant supporting information

Natural England will then:

- Issue a written opinion to the applicant and the LPA if it has enough information
- Request more details if the information is insufficient

If Natural England concludes that the development will not have a significant effect, the permitted development can proceed (subject to other GPDO conditions).

### If a Significant Effect is Likely

If Natural England concludes that the development is likely to have a significant effect, the developer must apply to the LPA under Regulation 77. This application must include:

- Full details of the proposed development
- Natural England's opinion (if available)
- Any required fee

The LPA will:

- Consult with the relevant conservation body
- Carry out an Appropriate Assessment to evaluate the impact on the protected site
- Approve the development only if it concludes there will be no adverse effect on the site's integrity