EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) ORDER 2026

2026 No. 313

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Matthew Pennycook, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government, confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Bradley Higgins at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: Bradley.Higgins@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order introduces a new permitted development right for reverse vending machines, allowing the installation of reverse vending machines in the wall of, or within the curtilage of, a shop without the need to submit a planning application. This Order also makes several minor consequential and clarifying amendments to existing permitted development rights and the duty to respond to consultations on PDRs.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 From 1 October 2027, under the provisions of the Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025 ("the 2025 Regulations"), plastic, aluminium and steel single-use drinks containers between 150ml and 3L in size will be subject to a deposit payable at point of sale and refundable when the packaging is returned to any participating return point. All grocery retailers selling goods which are subject to this deposit charge are required to act as a return point, unless exempt, accepting returned items regardless of where they were purchased. While smaller shops will be able to accept such returns 'over the counter', larger premises will require proportionally larger facilities for handling returns. This is particularly the case for supermarkets and retail park locations, which are expected to accept the majority of returns. To manage the anticipated volume of packaging, such retail outlets may require the provision of reverse vending machines, either wall mounted or free standing.

5.2 To support the implementation of the deposit return scheme, the government is introducing a new permitted development right for reverse vending machines. Permitted development rights have an important role to play in the planning system. They provide certainty and remove the time and money needed to submit a planning application. By creating a permitted development right for reverse vending machines, this Order will address potential planning barriers which could otherwise impact on retailers' ability to fulfil their statutory obligations under the deposit return scheme.

5.3 Permitted development rights are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ("the General Permitted Development Order"). The new Class CA of Part 7 right will allow the installation of reverse vending machines in the wall of, or within the curtilage of, a shop without the need to submit a planning application. It will also allow the installation of associated structures, enclosures and canopies to protect users and equipment from the elements or to provide acoustic mitigation.

5.4 The right will be subject to conditions and limitations to manage impacts and protect local amenity, specifically:

- The maximum gross floorspace of the reverse vending machine must not exceed 80 square metres.
- The maximum height of the reverse vending machine must not exceed 4 metres.
- If installed in the wall of a shop, the reverse vending machine must not protrude 2 metres or more beyond the outer surface of that wall.
- The reverse vending machine must not be situated within 15 metres of the curtilage of a building used for residential purposes.
- The reverse vending machine must not face onto the highway if within 5 metres of the highway.
- The right does not apply on article 2(3) land, being National Parks, the Broads, National Landscapes (formally known as Areas of Outstanding National Beauty), conservation areas, World Heritage Sites, and areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981.
- The right does not apply in a site of special scientific interest, within the curtilage of a listed building or on the site of a scheduled monument.

- Where the reverse vending machine is no longer in operation it must be removed as soon as reasonably practicable and the land reinstated to its original condition.

5.5 To support the rollout of the deposit return scheme and reduce costs for those grocery retailers seeking to meet their legal obligation to host a return point, Article 4 of the General Permitted Development Order will not apply to the Class CA right. Therefore, neither a local planning authority nor the Secretary of State can withdraw the permission granted by Class CA. The permitted development right will be subject to a number of safeguards, outlined above, to help limit potential impacts.

5.6 Development under Class CA of Part 7 shall be prescribed development for the purposes of article 2 of the Town and Country Planning (Compensation) (England) Regulations 2015 (note that no textual amendment to those Regulations is required to achieve this) and section 108 (compensation where planning permission granted by development order is withdrawn) of the Town and Country Planning Act 1990. This limits compensation liability where the Secretary of State decides to withdraw the permitted development right for reverse vending machines by way of a further amendment to the General Permitted Development Order.

5.7 This Order also makes minor amendments to the General Permitted Development Order to:

- update references to the National Planning Policy Framework to the December 2024 version and include a definition of 'National Planning Policy Framework' in article 2 to streamline any further updates;
- amend Class S of Part 3 of Schedule 2 (agricultural buildings to state funded school) to correct a drafting error at S.1(e)(ii) that references Class Q instead of Class S to prevent gaming where an agricultural building is erected/extended under the agricultural rights (Classes A and B of Part 6) and then immediately converted to a school under the Class S right; and
- amend Class M of Part 7 of Schedule 2 (extensions etc for schools, colleges, universities, prisons and hospitals) to make clear that the height of any rooftop structure is limited to 1.5m above the actual height of the new (or extended/altered) building.

5.8 This Order also amends article 22 (*duty to respond to consultation*) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended ("the Development Management Procedure Order") to correct a drafting error in paragraph (1)(f) which currently refers to A.3(5)(a) of Part 16 of Schedule 2 of the General Permitted Development Order instead of A.3(6)(a) and (ab) of Part 16 of Schedule 2 of the General Permitted Development Order.

What was the previous policy, how is this different?

5.9 There was previously no provision for reverse vending machines in the General Permitted Development Order, as there was no requirement to install one. Without this permitted development right, retailers would be required to make a planning application to the relevant local planning authority and have permission granted for their installation. The new Class CA of Part 7 permitted development right will allow the installation of reverse vending machines in the wall of, or within the curtilage of, a shop without the need to submit a planning application, subject to certain restrictions.

5.10 The minor consequential and clarifying amendments do not change any previous policy.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order amends the General Permitted Development Order to introduce a new permitted development right that will allow the installation, subject to certain restrictions, of reverse vending machines in the wall of, or within the curtilage of, a shop without the need to submit a planning application. This Order also makes consequential and clarifying amendments to the General Permitted Development Order and the Development Management Procedure Order.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes. All development requires planning permission. A permitted development right is a national grant of planning permission for specified development. Permitted development rights are set out in the General Permitted Development Order. The duty to respond to consultations is set out in the Development Management Procedure Order. Amendments to the General Permitted Development Order and Development Management Procedure Order are made via secondary legislation.

7. Consultation

Summary of consultation outcome and methodology

7.1 Two public consultations have been undertaken to inform the wider deposit return scheme. An initial consultation[1] published by the Department for Environment, Food and Rural Affairs (Defra), together with the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, was open for 12 weeks in February 2019 and set out the general aims of introducing a deposit return scheme. The government response[2] to this consultation was published in July 2019.

7.2 A second consultation[3] was launched by Defra in March 2021 and was open for 10 weeks. It presented the updated policy positions on the deposit return scheme and sought further information on any outstanding areas of design, including the introduction of a new permitted development right for reverse vending machines. The government response[4] to this consultation was published in January 2023. The consultation received 2,590 responses from a range of stakeholders including local government bodies, non-governmental organisations, retailers, producers and waste management companies. Responses to the consultation were strongly in favour of creating a new permitted development right for reverse vending machines to ensure the smooth implementation of the deposit return scheme.

7.3 No consultation is considered necessary for the minor and clarifying amendments.

8. Applicable Guidance

8.1 There are no plans to issue specific guidance for this instrument.

[1] Introducing a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland - Defra - Citizen Space (https://consult.defra.gov.uk/environment/introducing-a-deposit-return-scheme/)
[2] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/826853/drs-consult-sum-resp1.pdf
[3] https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/
[4] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1130296/DRS_Government_response_Jan_2023.pdf

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

9.2 The new permitted development right is deregulatory in effect, reducing bureaucracy and planning costs. There will be a small decrease in cost and time burdens to businesses through not having to submit a planning application for some reverse vending machine installations. Businesses are expected to save approximately £588 in application fees and £700 in non-fee costs per application.

9.3 Businesses will incur one-off costs in order to familiarise themselves with the new regulations. These costs are estimated to be £0.6m across the ten-year appraisal period.

9.4 There is no significant impact on charities or voluntary bodies.

9.5 There is no significant impact on the public sector. The impact on local planning authorities is largely a reduction in administrative cost and time of processing planning applications, where the development would otherwise have come forward through a planning application.

9.6 An Impact Assessment was undertaken in respect of the Deposit Return Scheme and is available here: The Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025 - Impact Assessment[5]. This Order removes barriers to the implementation of the 2025 Regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause. The Ministry of Housing, Communities and Local Government will continue to monitor permitted development rights with changes made accordingly to ensure intended outcomes are achieved.

[5] https://www.legislation.gov.uk/uksi/2025/67/impacts

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The procedure for free issue has been applied as this instrument corrects errors in S.I. 2015/595 and S.I. 2015/596. The Ministry of Housing, Communities and Local Government have complied with the requirement to consult with the SI Registrar.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").