



**PERMITTED
DEVELOPMENT RIGHTS
FOR NON-HOUSEHOLDER
DEVELOPMENT
CONSULTATION PAPER
RESPONSE FORM**

Once you have completed this form please
return to

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria STREET
Belfast
BT2 7BN

by fax (marked 'Planning Non-householder PD
Consultation Response') to:
028 9041 6960

Or by e-mail to:

Planning.nonhouseholderpd@doeni.gov.uk

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation

Organisation Name

Derryhale Residents' Association

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

[Redacted]

Forename

[Redacted]

2. Postal Address

[Redacted]

Postcode:

[Redacted]

Phone:

[Redacted]

Email:

[Redacted]

3. Are you responding:

As an individual

On behalf of a group / organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

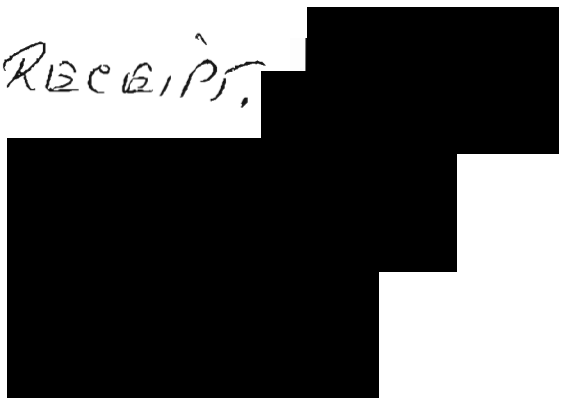
Other Please state:

Residents' Association.

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

PLEASE ACKNOWLEDGE RECEIPT,



Question 1

Do you have any views on how the GDO could be made easier to understand and interpret and, if so, what are they?

Apart from the suggestions made, a constant source of frustration is the assumption that the occasional reader has a knowledge and instant recall of technical acronyms. ALL ACRONYMS IN ANY SPECIALIST PUBLICATION SHOULD "STAND ALONE", AND BE STATED IN THEIR EXPANDED VERSION FOLLOWED BY THE ACRONYM IN BRACKETS. TO AID RECALL, A GLOSSARY OF ALL ACRONYMS USED SHOULD BE INCLUDED AS A GLOSSARY IN EACH PUBLICATION.

Having said that, I would wish to commend the author of this specific document for inclusion of a large number of expanded acronyms followed by the acronym. This is a welcome departure from many of the current consultative documents. Well done!

Question 2

Do you agree that Prior Approval provisions should not be a feature of permitted development rights in the new GPDO?

Yes No

Question 3

Should local planning authorities be enabled to extend permitted development rights in specific areas, perhaps through LDOs?

Yes No

Await the outcome of the research currently being undertaken, then follow the advice based on this research. Do not be tempted to try to anticipate the outcome.

Question 4

Should the power for local planning authorities to use Article 4 directions to restrict PD rights be retained?

Yes No

With an opportunity to lodge an objection by those effected..

Question 5

Should the provision for Article 4 directions be changed to enable them to be used to also extend PD rights?

Yes No

Option to Q4 allows for 3rd. Party objection. The proposal in Q5 which does not appear to enable 3rd. Party intervention, makes it possible to have an overbearing bureaucracy which in our view is undesirable, and in addition does require primary legislation.

Question 6

Should the provisions relating to SPZs be retained as a further option for relaxing planning controls in specific areas?

Yes No

This SPZ provision appears to limit 3rd. Party input and increases the potential for an overbearing bureaucracy and makes it possible to have too much central control of local matters.

Question 7

Should a new Class D as suggested to facilitate compliance with the Disability Discrimination Act be introduced into Part 2 of the GDO?

Yes No

In principle any reasonable regulation which facilitates and enhances the lifestyle of a disabled person should be encouraged. The emphasis is however on the qualification "reasonable". We are aware that at times, especially in private dwellings the object of the exercise can be lost; the expression "the wood was lost in the trees" springs to mind.

Question 8

Should the limitation of PD Rights be set differently in different areas depending on the nature of the designation?

Yes No

Individual appraisal of special requirements is preferable to a blanket edict. However the potential for inequality of administration should be protected by an opportunity to have an appeal system for interested parties.

Question 9

Do you agree with the proposed definition of designated areas? Are there any other types of sensitive areas which should be considered? If so please list and explain why you think they should be considered.

Yes No

Question 10

Should certain types of permitted development be restricted in flood plains where they are vulnerable or most likely to be affected by flooding?

Yes No

Question 11

Should the restrictions proposed above be placed upon PD rights in flood plains for development as defined?

Yes No

Question 12

Should PD rights for basements located within flood plains be removed?

Yes No

Question 13

Should PD rights for hardstandings over 5m² be required to be constructed of permeable (or porous) materials or require that provision is made to direct run-off water from the hardstanding to a permeable or porous area or surface?

Yes No

To require all hardstanding over 5 square metres to be constructed of porous or permeable materials is one option. The alternative is to require the construction of adequate storm drainage is an acceptable alternative. This avoids the difficulty of maintenance of permeable surfaces, which are more subject to frost damage and erosion of the surface by high pressure power washers.

Question 14

Should PD rights be restricted where there are likely to be significant impacts on nearby water bodies?

Yes No

Further Research and Development (R&D) is ongoing. Regulations may be altered if necessary, based on further evidence.

Question 15

Do you agree with the proposed extension of PD Rights in this sector? If you do not agree please set out what alternative PD rights you would wish to see and explain why.

Yes No

Subject to comment in Q13 above, in relation to the penultimate bullet point re-hardstanding.

Question 16

Should Part 8 PD rights be restricted as indicated in AONBs, conservation areas, National Parks, and floodplains and be withdrawn in ASSIs and SAIs?

Yes No

Notwithstanding the fact that industrial areas are not normally located in protected areas, there is no restriction on this occurring. Thus there is a potential risk of considerable development in sensitive areas. This risk would be controlled more effectively by applying planning application regulations.

Question 17

Should a new class be provided in Part 2 allowing the erection of waste storage containers subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

Question 18

Should a new part be provided for 'Landfill Sites' allowing works on existing landfill sites subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

Question 19

Should a new part be provided for 'Waste Processing Facilities' allowing works on existing facilities subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

Question 20

Do you agree with approach set out in paragraph 5.2.3 to Waste Management PD in sensitive areas? If not please explain what differences you propose and explain why.

Yes No

Provided that the additional development in national parks and areas of outstanding natural beauty would be consistent with maintenance of the national asset and would not lead to any loss of visual or other amenity eg. pollution of air or water.

Question 21

Should PD rights allowing minor extensions and alterations to existing telecommunication masts, be added to Part 17 (Development by telecommunications code system operators) of the GDO as outlined above?

Yes No

Provided that 3rd. Party rights of objection are permitted where there is perceived to be a potential loss of amenity. "Appropriate notice" clauses should include an obligation to give Public Notice of intentions to amend the structure or equipment.

Question 22

Should the new Part 17 PD rights as outlined above be permitted in AONBs, National Parks, conservation areas, SAIs and ASSIs?

Yes No

There should be oversight of proposals prior to implementation, initiated by a Planning permission application. Preservation of visual amenity is of major importance.

Question 23

Should:

- A new part be provided for retail and town centre uses permitting extensions/alterations on existing buildings as outlined above?

Yes No

Opportunity for 3rd. Party objection should be provided in each category.

- A new part be provided for office premises permitting extensions/alterations on existing buildings as outlined above?

Yes No

Question 24

Do you agree with the proposed approach in relation to PD Rights for Commercial and Retail uses in sensitive areas?

Yes No

Permission for licenced street markets should not be extended to ASSI; SAI or Conservation areas as there is a considerable risk of loss of visual amenity due to post market debris and detritus and in addition, associated with an increase in car parking facilities with adequate site access.

Question 25

- The change of use of agricultural buildings to production, storage and distribution uses as outlined above;

Yes No

The limit of area to a minimum of 0.5 hectares may at times be over restrictive and should be subject to appeal citing special circumstances.

- Change of use of agricultural land to recreational equestrian uses as outlined above?

Yes No

Question 26

Should the change of use of agricultural buildings to production, storage and distribution uses on an agricultural unit be permitted in conservation areas, AONBs, National Parks, ASSIs and SAIs?

Yes No

Subject to loss of visual amenity.

Question 27

Should the change of use of agricultural land to recreational equestrian uses be permitted in conservation areas, AONBs and National Parks but not permitted in ASSIs and SAIs?

Yes No

Question 28

Should the site licence exemptions provided for in paragraphs 4 and 5 of the Schedule to the Caravans Act (NI) 1963 be added to the circumstances for which PD rights are given by Part 5?

Yes No

Question 29

Should:

- A new part be provided for Universities and Hospitals permitting new build, extensions and alterations subject to the limitations/ conditions outlined?

Yes No

- A new part be provided for Schools, Leisure and Community Facilities and other institutions permitting new build, extensions and alterations subject to the limitations/ conditions outlined?

Yes No

Question 30

Should the proposed PD rights for Universities, Hospitals, Schools, Leisure and Community Facilities and other institutions be permitted in AONBs and National Parks but removed in Conservation Areas, ASSIs and SAls?

Yes No

Question 31

Should PD rights for classes A, B, C, G and H be extended as outlined above? If not please set out what alternative PD rights you would wish to see and explain why.

Yes No

In class "B" the proposal is to replace the term "Post Office" by "Universal service provider". This is quite unacceptable and is a further intended/ unintended erosion of the standing of a National Service! If necessary, use "Post Office and/or other service providers".

Question 32

Do you agree with the approach to Part 13 reform in sensitive areas?

Yes No

Question 33

Should a new Part be provided for 'Development ancillary to mining operations'?

Yes No

Question 34

Do you agree with the proposed exclusions and conditions for 'Development ancillary to mining operations'? If not please comment and explain why not.

Yes No

Question 35

Do you believe a new Class B should be introduced in Northern Ireland (similar to the equivalent Class C in England and Wales) but without prior approval? If not please comment.

Yes No

Question 36

Do you agree that PD rights for 'Development ancillary to mineral operations' should be permitted in National Parks and AONBs but removed in ASSIs, SAIs and Conservation Areas? If not please comment

Yes No

All development should be subject to Planning Application and 3rd. Party objection.

Question 37

Of the options outlined above which would be your preferred approach?

Option A: "Do nothing" scenario

Option B: "All recommendations" scenario

Option C: "Phased all recommendations" scenario

Implementation; review, then if necessary amendment based on evidence. Option "A" is unacceptable. Option "B" allows for planned change, but without an opportunity to review the consequences of the change. These may be and hopefully would be acceptable, however the law of "Unintended consequences" should be considered; option "C" allows this to happen.