



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

Once you have completed this form please  
return to

Policy and Legislation Branch  
3<sup>rd</sup> 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](mailto:Planning.nonhouseholderpd@doeni.gov.uk)

All responses should be submitted to the  
Department no later than 22<sup>nd</sup> January 2010



Department of the  
**Environment**  
[www.doeni.gov.uk](http://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

ARQIVA SERVICES LTD

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:

--

**5. Acknowledgment**

Individual responses will not be acknowledged unless specifically requested

**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?

No comment.

**Question 2**

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

Yes  No

As the UK's largest infrastructure provider to the electronic communications and broadcast industries, Arqiva makes several hundred planning submissions in the UK each year. Our experience has shown that prior approval procedures are often not fully understood and can be confusing to both the applicant, general public and the determining body.

For example, prior approval procedures for electronic communications development in England often receive adverse media publicity, particularly if an application for prior approval is mishandled by a LPA and leads to a default planning approval.

Prior approval procedures are often controlled by strict timescales for a decision (without opportunity for extension of time) and this can lead to applications being rushed without proper consultation with the developer or without opportunity for an application to be amended during the course of the determination process to address a specific concern. This is further frustrated by the fact that certain outstanding issues cannot be met by planning conditions on a prior approval consent, so the determining body will often seek the withdrawal of an application and resubmission. This can lead to frustrations felt by all parties, particularly the applicant.

We would therefore caution against the the introduction of prior approval procedures and suggest that there should be very careful and detailed consideration of those points made above.

**Question 3**

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

Yes  No

No comment but we can see some benefits if well controlled.

**Question 4**

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

Yes  No

**Yes, the power exists elsewhere, but should only be exercised in exceptional circumstances otherwise it could stifle development and growth.**

**Question 5**

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

Yes  No

**Yes, this may assist certain authorities by helping to attract certain types of development that might otherwise be stifled by limitations on PDR.**

**Question 6**

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

Yes  No

**No comment.**

**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

**No comment.**

**Question 8**

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

Yes  No

**Yes, but there may be especial operational considerations to be taken into account that might influence such an approach.**

**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

**No comment.**

**Question 11**

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

Yes  No

**No comment.**

**Question 12**

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

Yes  No

No comment.

**Question 13**

Should PD rights for hardstandings over 5m<sup>2</sup> 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

No comment.

**Question 14**

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

Yes  No

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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

**We fully endorse the recommendation to extend PDR for minor extensions, alterations and addition of apparatus (antennas) to existing electronic communications masts, as this will help promote mast sharing and the environmental and sustainable benefits associated with such an approach.**

**We did mention in earlier correspondence that PDR should be reintroduced for the installation of small cabinets where associated with new works / antennas added to a 'mast'. However, we note at paragraph 9.8 of the Review of Non-Householder Permitted Development Rights Final Report ('Options for Change' section), that the advisers Entec indicate that PDR already exists for cabinets / cabins up to 90 cubic metres, so there is no need to extend or change this requirement.**

**However, this point has been misinterpreted by the advisers as the current Part 17 does actually limit new cabins or cabinets associated with a mast.**

**Part 17 advises that PDR is removed if:**

A.1 (c) it involves the installation, alteration or replacement of a mast or the installation, alteration or replacement of an antenna, structure, or other apparatus **INCLUDING EQUIPMENT HOUSING** [our emphasis] associated with a mast.

and

A.1 (e) it involves the installation, alteration or replacement of ground based equipment housing exceeding 90 cubic metres or, if located on a roof of a building, it would exceed 30 cubic metres.

Although poorly worded we consider that this matter is quite clear - new or replacement radio equipment housing associated with a mast (whether proposed or existing mast) is not PD as it is removed by A.1 (c). However, new radio equipment housing totally unrelated to the mast etc would be PD by virtue of A.1 (e).

Therefore in practice, unless further changes are made to PDR to complement those already suggested, where a cabinet / cabin would be proposed as part of any antenna upgrade or replacement apparatus etc on a mast, it would fall foul of A.1 (c) and planning permission would be required. The code system operator could not rely on A.1 (e) as suggested by the advisers Entec.

We wish to see this point clarified as it is very important - there would be significantly less benefit to code system operators if the DOE were to reintroduce PDR for replacement or new antennas installed onto an existing ground based mast, only for any associated small equipment housing to still require full planning permission if PDR is not overly clear or available.

#### Question 22

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

Yes  No

Some of our tallest masts, such as our large broadcast structures, fall within designated areas. However, in terms of environmental and sustainability considerations, the sharing of those structures by new operators still represents the most optimum solution, compared to the significantly less attractive solution of the operator having to acquire a new site within the designated area and the associated environmental impact. Hence, we consider that PDR to encourage mast sharing in those designated areas outlined would accord with the spirit of DCAN14 and PPS10. In so far as there may be some perceived additional impact, this will be within acceptable parameters.

**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

No comment.

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

Yes  No

No comment.

**Question 24**

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

Yes  No

No comment.

**Question 25**

Should new classes be added to Part 3 of the GDO allowing:

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

Yes  No

No comment.

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

Yes  No

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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 SAIs?

Yes  No

No comment.

**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

No comment.

**Question 32**

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

Yes  No

No comment.

**Question 33**

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

Yes  No

No comment.

**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

No comment.

**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

No comment.

**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

No comment.

**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