

**COUNCIL FOR NATURE CONSERVATION
AND THE COUNTRYSIDE**
An Advisory Council to the Department of the Environment



via email

22nd January 2010

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria Street
Belfast
BT2 9BN

Dear Sir or Madam,

CNCC welcomes the review of these two areas providing not only the opportunity to consider boundary issues but also the enhanced management powers which flow from the designation under the 1985 Amenity Lands Order.

Review of Permitted Development Rights

CNCC welcomes the broad aims of the Review - "to reduce the number of planning applications to be submitted.....to reduce bureaucracyto free up resources that can be redirected ..."

The Planning Service is seriously under resourced for the tasks facing it, with the proposals for a new Planning Code associated with the Review of Local Administration. In particular, more resources are required to be directed towards enforcement of both Approved and Permitted Development.

Householder Permitted Development Rights

With regard to Householder rights, there is little which is likely to impact significantly on Nature Conservation and the Countryside. However one aspect of the proposed changes concern CNCC:

1. Part 1 E1 Provision of hard surface within the curtilage of a dwelling house. CNCC would question the exemption of areas to side and rear of dwellings from the requirement to use permeable material. Such areas are frequently of greater area than front gardens and generally drain to the sewerage systems, and thus contribute to the flood loads and consequent pollution incidents.

Continued/

Review of Non-Householder Permitted Development Rights

Sensitive Areas

Non-householder rights by their nature frequently involve physically larger and visible developments which have the potential to significantly impact on Sensitive Areas. CNCC welcomes the addition of World Heritage Sites, Special Countryside Areas and Sites of Archaeological interest to the list of sensitive areas considered by this part of the GDO. However we question the omission of National Nature Reserves, Local Nature Reserves and other Local Sites and Designations. These areas range greatly in scale but have in common preservation and enhancement of Biodiversity. Damage to these types of area from development can arise not just from visual impacts but from increased disturbance and loss of habitat.

European and Internationally Protected Nature Conservation Sites are not specifically mentioned presumably because of the requirement under the Habitats Regulations that any development which is likely to significantly affect the site requires an "appropriate assessment". The effect of the omission of formal reference to these areas in the specific PD proposals will be to give rise to confusion. It is Government Policy that where a developer is proposing to undertake a Permitted Development within such an area (and also to sites listed under the Ramsar Convention) that prior written approval is obtained from the Department.

PPS 2 Planning and Nature Conservation, Paragraphs 48 - 50 and Annex 5, sets out the procedures for PD to be applied in respect of European Sites.

CNCC supports this policy approach but does not believe that it is well understood or followed. It is essential that in bringing forward the revised permitted development proposals that this effective exclusion from PD is highlighted, in both the Permitted Development Regulations and any associated guidance and publicity materials.

Rural Areas

While supporting the proposed amendments to permit change of use from agricultural, to making of products grown or reared on the farm, sale of produce grown within 10 miles etc. Council has considerable concerns about the proposals to permit change to "Storage and distribution uses". Council are aware of several situations where such change of use have led to significant increase of traffic on narrow local roads. We also note that this issue is mentioned in the Regulatory Impact Assessment Para 4.3.2., P15/16 where it is stated that the restrictive conditions on the PD rights provide "appropriate control". This ignores the Roads Service comment; "PD for diversification could significantly add to traffic movements on narrow rural roads, many of which are not suitable for such increases"

The proposed restrictive conditions are silent on the issue of traffic volumes. This is unsatisfactory.

Yours sincerely



CHAIRMAN