



**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

EPLANI - c/o Carrie McDonagh

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:

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**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?

There are a number of problems in communicating the provisions of the GDO, particularly: the legislation is not presented in a format which is user friendly; it is not widely available online; and there has been significant addition to the provisions without consolidation. A consolidation of the legislation would mitigate any confusion on the part of end users. The publication of guidance in electronic format which is readily accessible and easily updated would aid in access to the provisions and could serve as a basis for the production of a summary booklet akin to that produced for Householder PD.

**Question 2**

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

Yes  No

We have not observed any great enthusiasm in Northern Ireland regarding the procedure for prior approval. The time limits for the process are of an extremely restrictive nature. Additionally, it is unlikely that the general public would grasp a sufficient understanding of the guideline procedures to enable the process to operate efficiently. The notion of Prior Approval is contrary to the overarching purpose of GDO reform in that its inclusion would likely result in a greater administrative burden given the further necessity for a full application.

**Question 3**

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

Yes  No

We are cautious in suggesting that the introduction of LDOs in Northern Ireland could be of benefit. Our response is contingent on the nature and content of such orders and their practical operation.

**Question 4**

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

Yes  No

Whilst Article 4 directions have been used elsewhere in the UK to provide extra protection for conservation areas or to protect the setting of listed buildings, they have been infrequently used in Northern Ireland.

**Question 5**

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

Yes  No

An extension of the scope of Article 4 Directions could serve as an alternative to LDOs in the extension and restriction of PD rights.

**Question 6**

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

Yes  No

There is some limited support for the use of SPZs in Northern Ireland to relax planning controls in areas such as docks, harbours, industrial estates and regeneration areas. There seems little merit in abandoning the existing provisions.

**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

Subject to the general limitation that works do not impinge on public roads, a new Class D should be introduced. The new Class should permit freestanding development enabling disabled access to a building, provided all hard standing is permeable and any parking

bays and drop off points are clearly sign posted and marked for disabled use. We also agree with the proposals as to entrance alterations and restrictions on ramps and steps. Development rights for disabled access should be removed in conservation areas and within the curtilage of a listed building.

**Question 8**

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

Yes  No

There is no consistent rationale for limiting PD rights across all types of sensitive areas. However, given the number of designations in Northern Ireland it is likely that the proposal will be extremely difficult to monitor on a practical basis. The proposal is at odds with the purpose of the review in its drive to increase levels of certainty in respect of PD rights.

**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

We are of the opinion that there is no necessity for further restriction.

**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

Our response here is contingent on the level of certainty with which such vulnerable areas or those likely to be affected by flooding can be delineated.

**Question 11**

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

Yes  No

**Our response here is contingent on the level of certainty with which such vulnerable areas or those likely to be affected by flooding can be delineated.**

**Question 12**

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

Yes  No

**Whilst this proposal will likely result in an increase in planning applications, such a restriction is justifiable on safety grounds.**

**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

**Question 14**

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

Yes  No

**Our response is qualified by the fact that there is concern that relaxation of PD rights for non-household or land use could have an impact on Northern Ireland's abilities to fulfil the requirements of the Water Framework Directive. Such considerations are beyond the scope of this consultation and should be considered in more detail.**

**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

**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

**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

**Our response is subject to consultation with EHO regarding a restriction that such facilities should operate only during daytime hours.**

**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

**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

Given that many telecommunications masts are located in close proximity to schools and other buildings frequented by the public, it is appropriate that they should receive notification of proposed extensions and alterations. As PD rights effectively remove the requirement for such public consultation there should be no relaxation with respect to telecommunications masts. Indeed, there is a consensus that the existing regime is adequately flexible and in some regards weighted in favour of the installers of such masts.

**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

**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

- 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

**The proposals are overly restrictive and provide for disparity between those PD rights afforded to commercial retail uses and those for industry when there really is no difference in the risk to amenity as posed by either sector.**

**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

**It would be inappropriate to allow a change of use in line with the proposals. Some agricultural buildings are of a significant size and may have sub-standard access. It should be necessary to consult with Roads Service prior to any such change of use.**

- 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

**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

Such a move accords with the legislative position in Great Britain.

**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

We consider that the inherent public value in the proposals should be afforded priority over amenity considerations.

**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

**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

**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