



Review of Non-Householder Permitted Development Rights

Consultation Paper

October 2009



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Environment
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INVESTORS IN PEOPLE

Contents

Section

1.	Introduction	1
1.1	How to Respond	3
2.	Background	4
3.	Approach	5
3.1	Impact Assessments	5
4.	Cross-Cutting Themes	7
4.1	Communicating the GDO	7
4.2	Prior Approvals	7
4.3	Local Development Orders	8
4.4	Article 4 Directions	9
4.5	Simplified Planning Zones	9
4.6	Disability Access	10
4.7	Sensitive Areas	11
4.8	Climate Change and Sustainability	12
5.	Development Types	15
5.1	Industry & Research & Development	
5.1.1	Current PD Rights	15
5.1.2	Proposed Changes	16
5.1.3	Approach in Sensitive Areas	16
5.2	Waste Management	17
5.2.1	Current PD Rights	17
5.2.2	Proposed Changes	17
5.2.3	Approach in Sensitive Areas	20
5.3	Telecommunications	20
5.3.1	Current PD Rights	20
5.3.2	Proposed Changes	21
5.3.3	Approach in Sensitive Areas	22
5.4	Commercial/Retail	22
5.4.1	Current PD Rights	22

5.4.2	Proposed Changes	23
5.4.3	Approach in Sensitive Areas	24
5.5	Rural Areas	25
5.5.1	Current PD Rights	25
5.5.2	Proposed Changes	26
5.5.3	Approach in Sensitive Areas	28
5.6	Caravan Sites	28
5.6.1	Proposed Changes	29
5.7	Institutions, Community Facilities, Leisure & Recreation	29
5.7.1	Current PD Rights	29
5.7.2	Proposed Changes	30
5.7.3	Approach in Sensitive Areas	32
5.8	Utilities	32
5.8.1	Proposed Changes	34
5.8.2	Approach in Sensitive Areas	36
5.9	Minerals	36
5.9.1	Current PD Rights	36
5.9.2	Proposed Changes	37
5.9.3	Approach in Sensitive Areas	39
6.	Regulatory Impact Assessment	40
6.1	Summary	40
Table i	Key Sections	5
Table ii	Recommendations for Commercial & Retail PD Rights in Sensitive Areas	25
Table iii	Uses Included in New Part regarding 'Schools, Leisure & Community Facilities and Other Institutions'	31
Table iv	Summary of PD Rights for Utilities in Northern Ireland	32
Figure 5.1	The Waste Management Hierarchy	18
Appendix 1	Preliminary Regulatory Impact Assessment (RIA)	
Appendix 2	Equality Impact Assessment (EQIA)	
Appendix 3	Rural Proofing	
Appendix 4	Freedom Of Information (FOI)	
Appendix 5	Consultation List	

1. Introduction

The purpose of this paper is to seek the comments and views of the public and all interested parties on changes to permitted development rights for non-householder developments in Northern Ireland.

Permitted development rights (“PD rights”) are provided by the Planning (General Development) Order (Northern Ireland) 1993 (S.R. 1993. No.278), (“the GDO”). The GDO allows certain, often minor or non-contentious, types of development to proceed without the need for a planning application. PD rights help reduce the number of planning applications the Northern Ireland Planning Service receive and the regulatory burden of the planning system. Such PD rights are subject to certain exclusions and conditions.

The key driver for changes to PD rights is the reform of the Northern Ireland planning system. Following devolution in 2007, there have been a number of calls for significant reform. The key aim is to bring forward proposals that will enable the planning system to play its part in delivering on the Programme for Government priorities and, in particular, by contributing to growing a dynamic, innovative and sustainable economy.

In the ‘Planning Reform: Emerging Proposals’ paper (this paper can be downloaded from the Planning Service website at www.planningni.gov.uk) the Minister for the Environment has set out the anticipated outcomes of the reform as including:

- A more effective development control system, which would work better as it would be reshaped to manage the different categories of development in ways that are proportionate to the significance of each application, with a greater focus given to economically and socially important developments;
- Improved efficiency of processing and greater certainty about timescales for developers;
- A change in the culture of the planning system: seeking to facilitate and manage development applications rather than merely controlling undesirable forms of development, and stronger collaborative working across a range of stakeholders; and
- A better match of resources and processes to priorities and improved value for money for all users of the planning system through more proportionate decision-making mechanisms.

Paragraph 27 of the Planning Reform: Emerging Proposals paper recognises that the key focus for development control is proportionality and developing ways to deal with different types of development in different ways. This includes reducing bureaucracy for local and minor developments through:

- Simpler and more streamlined processes for planning applications for minor development; and,
- By extending the range of minor developments for which planning permission is given without the need for a planning application, i.e. PD rights.

The recommendations discussed in the Planning Reform: Emerging Proposals paper aim to bring about improvements in the planning system to ensure that it:

- Supports the future economic and social development needs of Northern Ireland and manages development in a sustainable way;
- Is delivered at the right level with the appropriate managed processes for minor non-householder applications;
- Has streamlined processes that are effective, efficient and improve the predictability and quality of service delivery; and
- Allows full and open consultation and engages key stakeholders and communities.

1.1 How to Respond

This consultation paper comes with a number of questions in relation to the provision of permitted development rights for Non-householder development. These are intended to guide your response although you do not need to answer every question and you may comment on any aspect of the consultation subject even if a question has not been included. As a reference and for your convenience the consultation questions have been listed in a Response Form which accompanies this consultation paper.

All responses should be made in writing and submitted to the Department no later than 22 January 2010 in one of the following ways:

1. By post to:

Non-householder Permitted Development Consultation
Planning Service
3rd Floor
Millennium House
17-25 Great Victoria Street
Belfast BT2 7BN
2. By e-mail to: planning.nonhouseholderpd@doeni.gov.uk

The 'Online Response Form', which can be downloaded from the Planning Service website (www.planningni.gov.uk), can be used for this purpose, if desired.
3. By fax (marked 'Planning Non-householder PD Consultation Response') to: 0289041 6960. Please note that the 'Respondent Information form' must also be completed and 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 publicly 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.

We look forward to receiving responses to the proposals and issues raised within this consultation paper. Additional copies of the consultation paper can be downloaded from the Planning Service website at www.planningni.gov.uk or requested via the postal address, e-mail or fax numbers above, or by telephone on 028 9041 6767, or by Textphone on 028 90540642. Please contact us if you wish to request a copy of the consultation paper in an alternative format.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

2. Background

In June 2008 the Northern Ireland Planning Service commissioned Entec UK Ltd to undertake research to inform the Review of the PD rights provided by the GDO in relation to non-householder development. The Planning Service commissioned the examination of PD rights with a view to simplifying and extending them, providing that they do not adversely affect interests of acknowledged importance, including the protection of residential amenity.

The recommendations of the Entec UK Ltd (2009) Report, *Review of Non-Householder Permitted Development Rights* (“the Review”) are the basis for the consultation questions posed throughout this document. The Review took as its starting point those parts of the GDO which offered the greatest potential for extending PD rights and the related constraints and conditions, as opposed to considering each individual part of the GDO. The recommendations are therefore made for parts of the GDO, or in some cases new parts, where demand for change was identified through a combination of the following factors:

- A saving in planning application numbers;
- Where PD rights are significantly different in the rest of the UK and the Republic of Ireland;
- Stakeholder responses indicate significant demand; and/or
- Previous reviews in Northern Ireland or the rest of the UK suggest demand for change.

Also considered are the means by which PD rights may be made more accessible and easier to understand; these are discussed in the cross-cutting sections.

3. Approach

The Response Form accompanying this consultation paper will enable you to express your views on the issues and options identified in the Review. As part of planning reform it is proposed to split the current GDO into two parts with that part relating to permitted development, becoming a new General Permitted Development Order (GPDO). Your input is needed to enable the Planning Service to write new non-householder PD rights for inclusion in the GPDO.

To assist you in completing the Response Form, the following pages provide a summary of issues and options you may wish to consider when responding to each question. To aid the reader further, proposals are supplemented with how the policy would be written into the GPDO and a summary of what is permitted at present.

This paper outlines a series of cross-cutting themes which will affect all users of the GPDO, it then moves on to specific topics relevant to particular development types.

It is not necessary to answer all the questions in this document; there may be specific sections that are particularly relevant to you and/or your organisation. The cross-cutting themes are however relevant to all sectors with PD rights. To help guide you through the remainder of this paper, the structure is outlined below:

Table i. Key Sections

Section Heading	Page Number	Section Heading	Page Number
Cross-Cutting Themes		Topic-Based Themes	
Communicating the GDO	7	Industry & Research & Development	15
Prior Approvals	7	Waste Management	17
Local Development Orders	8	Telecommunications	20
Article 4 Directions	9	Commercial/ Retail	22
Simplified Planning Zones	9	Rural Areas	25
Disability Access	10	Institutions, community facilities, leisure & recreation	29
Sensitive Areas	11	Utilities	32
Climate Change & Sustainability	12	Minerals	36

3.1 Impact Assessments

A Regulatory Impact Assessment* and screening documents have been prepared as part of the ongoing policy appraisal of the proposals put forward in the consultation paper. A preliminary Regulatory Impact Assessment has been prepared as a separate accompanying document and Equality Impact Assessment Screening and initial Rural Proofing Screening have been undertaken and are set out in Annex 1, 2 and 3 to this consultation paper. The

Department considers that the proposals laid out in the consultation paper are fully compliant with the Human Rights Act 1998.

*Note: a summary is included on page 40.

The Department invites views and comments on the content of the RIA and the screening documents and on whether any additional assessments are necessary.

4. Cross-Cutting Themes

Section 4 considers a variety of themes that apply throughout the GDO regardless of which type of development the GDO sections refer to. Proposals have been put forward for each of these topics.

4.1 Communicating the GDO

At present the GDO is not easily available to the public and is not available online. Consultation with users of the GDO as part of this Review has indicated a number of concerns. The nature of the legal language of the document can make it confusing and new parts have been added incrementally without a full review. These factors often lead to the GDO being difficult to interpret; as a result a number of applications have been submitted that are actually subject to PD. This has the potential to increase workload for the Planning Service and those having to submit planning applications. As part of planning reform the Review sets out to split the current GDO into two parts with that part relating to permitted development, becoming a new General Permitted Development Order (GPDO). It will then be possible to publish a 'consolidated' document which includes all the amendments which have been made.

The Review suggested a number of improvements to the GDO including preparing topic-based user guidance with the help of trade associations and a programme of awareness raising for the new GPDO with planners, agents, developers and other stakeholders.

Q1 Do you have any views on how the GDO could be made easier to understand and interpret and, if so, what are they?

4.2 Prior Approvals

In England and Wales a system of Prior Approval operates for certain types of permitted development. It works by requiring the developer to seek prior approval before going ahead with the proposed works. If the local planning authority does not respond to the developer's application for prior approval within the specified time limit then the development can go ahead and must be carried out in accordance with the details submitted in the application. In essence, Prior Approval lies somewhere between the need to apply for full planning permission and permitted development rights where there is no prior approval. The principle of the development is considered acceptable, however, the siting and design of the development is subject to an approval by the planning authority. This means that in theory, the planning authority should be able to deal with the application faster than a planning application because there are fewer issues to consider.

Northern Ireland does not currently have a Prior Approval system, although provisions did previously exist for certain types of permitted development (mainly for telecommunications). However those Prior Approval provisions were removed due to their unpopularity. They were leading in some cases to default approval of contentious development.

In England and Wales, the prior approval system does provide somewhat of a halfway house measure between full planning permission and permitted development. The recent parallel review of PD rights in England and Wales recommended changes to the prior approval, replacing it with a system of ‘minor development certificates’ which would continue to provide a halfway house.

However, in Northern Ireland, the Review found very little support for re-introducing a prior approval system even if it was to be re-branded. Given that there is no prior approval in Northern Ireland at present, introducing such a system is likely to be confusing and require substantial investment in the education of planners and stakeholders. This does not sit well with the objective of streamlining the process and reducing regulatory burden.

The Review does not therefore propose to re-introduce a prior approval system.

Q2 Do you agree that Prior Approval provisions should not be a feature of permitted development rights in the new GPDO?

4.3 Local Development Orders

Local Development Orders (LDOs) were introduced in England and Wales in 2004 to enable PD rights for certain types of development (specified in the order) within a certain area (also specified in the order) to be extended. In principle, they provide a way of making permitted development more locally specific.

However, to date LDOs have not been widely used and their value has therefore been a matter for debate. There are also likely to be a number of obstacles to the successful application of LDOs, especially with regard to developing expertise in the use of the new powers and willingness of a planning authority to relinquish their existing regulatory powers.

Recently, a study has been commissioned by the Planning Advisory Service in England to consider why LDOs have not been taken up and how their use could be encouraged. At the time of writing the results of this research on LDOs were not yet available. Also recently, in England, section 188 of the Planning Act 2008 has been commenced which has the effect that LDOs no longer need to be based on policies in the local development plan or in development plan documents.

In light of the lack of experience of LDOs elsewhere in the UK, the ongoing research by the Planning Advisory Service and the recent untying of LDOs from development plan policies, the Review does not consider it appropriate for the Department to make any decisions as yet regarding LDOs until their effective use in England can be demonstrated.

Q3 Should local planning authorities be enabled to extend permitted development rights in specific areas, perhaps through LDOs?

4.4 Article 4 Directions

Article 4 directions can be used by planning authorities to remove specific permitted development rights in specific areas. Elsewhere in the UK, they have been most regularly applied to add extra protection for Conservation Areas or to protect the setting of Listed Buildings.

Article 4 powers are infrequently used in Northern Ireland. However, the Review considers such powers should be retained as Article 4 directions may have benefit in controlling permitted development in sensitive areas (see Section 4.7 for more information on sensitive areas). Tensions will remain, however, between this objective and the concerns of developers for policy consistency across the country and for less regulation generally.

One option and a potential alternative to LDOs would be to allow Article 4 directions to be used to extend PD rights as well as restrict them. This would require primary legislation.

Q4 Should the power for local planning authorities to use Article 4 directions to restrict PD rights be retained?

Q5 Should the provision for Article 4 directions be changed to enable them to be used to also extend PD rights?

4.5 Simplified Planning Zones

A Simplified Planning Zone (“SPZ”) is an area in which planning permission is automatically granted for particular types of specified development. Planning permission under a SPZ scheme may be unconditional or subject to such conditions or exceptions as may be specified in the scheme.

There are no SPZs in Northern Ireland and very few have been established in England and Wales. The process for making an SPZ in Northern Ireland resembles that for making a development plan with publicity and consultation requirements, independent examination and adoption. Once adopted an SPZ is valid for 10 years. Certain types of land may not be included in a SPZ, including land in a Conservation Area, National Park; Areas of Outstanding Natural Beauty, Areas of Special Scientific Interest, National Nature Reserves, green belt or other land prescribed for this purpose by regulations.

SPZs enable the Department to specify the type of development it would like to see in the areas to which the scheme relates, and to also provide that such development is automatically permitted, so avoiding doubt and expenses for the developers. SPZs are ways in which, in addition to the preparation of a development plan, the Department can make local policy.

The consultation undertaken as part of the Review suggested that there was some support for the potential limited use of SPZs in Northern Ireland in certain areas where planning controls might be relaxed such as docks, harbours, airports, industrial estates and regeneration areas.

Clearly the provision for SPZs already exists in Northern Ireland and therefore could be invoked in a particular area if it was felt justified. The powers to create SPZs will transfer to local planning authorities. However, the lack of

uptake in SPZs both in Northern Ireland and the rest of the UK suggests that there is an insufficient case for actively promoting SPZs further as a means of relaxing permitted development rights, as opposed to relaxing other planning controls.

Q6 Should the provisions relating to SPZs be retained as a further option for relaxing planning controls in specific areas?

4.6 Disability Access

Since October 2004 service providers have had to make reasonable adjustments to their premises to overcome physical barriers to access to ensure that people with disabilities are treated in the same ways as those without, under the Disability Discrimination Act (“the DDA”). The GDO offers no specific PD rights to allow service providers to carry out works to comply with the DDA, although naturally minor adjustments to their premises may be possible under existing parts of the GDO.

As far as the planning implications of the DDA are concerned, the most significant requirement relates to making reasonable adjustments where a physical feature makes it impossible or unreasonably difficult for a person with disabilities to access a service. The options are to remove the feature, alter it, provide a reasonable means of avoiding it, or to provide a reasonable alternative method of making the service available, e.g., the installation of a lift or ramp. A test of reasonableness is applied which takes account of the extent and cost of works required, the type of services being provided, the size and resources of the service being provided, the disruptive impact on the business to make the adjustment and the amount already being spent on making adjustments. Failure to comply with the DDA risks a civil claim.

The Review concluded that there is a case for updating the GDO to afford all service providers rights to carry out external works to create disability accesses, subject to there being no adverse impacts. It therefore proposes a new Class within Part 2 of Schedule 1 (Minor operations) making the following, permitted development:

A New Class D in Part 2 (Minor Operations)

- Within the curtilage of a building, freestanding development which enables disabled access to the building is permitted development provided:
 - All hardstanding is permeable (or porous); and
 - Any parking bays, drop-off points etc. created are clearly signed and lined for disabled use.
- Ramps and steps within the curtilage of a building which is being accessed and which do not extend over a public highway, subject to:
 - A maximum of one set of ramps/steps per building frontage;
 - A maximum 2m change in level of ramps/steps;
 - A maximum total length of ramp (excluding landings) of 40m, and

- A maximum projection of ramps/steps from the building of 12m.
- Entrance alterations:
 - Maximum canopy spread of 3m; and
 - Maximum canopy height of 3m.
- No limitation need be placed on the size to which doorways can be enlarged or the fenestration which can be added to allow views into foyers;
- A general limitation that works do not impinge on the public road;
- To protect sensitive areas permitted development rights for disabled access should be removed in Conservation Areas and within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted.

Q7 Should a new Class D as suggested to facilitate compliance with the Disability Discrimination Act be introduced into Part 2 of the GDO?

4.7 Sensitive Areas

Under the existing GDO in Northern Ireland, permitted development rights are withdrawn or modified in relation to certain sensitive areas and sites, such as Areas of Outstanding Natural Beauty or Conservation Areas. There is generally no consistent rationale for limiting permitted development rights across all types of sensitive areas with each part of the GDO setting limits in a targeted manner depending on the type of development.

The following sensitive areas exist (or could exist) in Northern Ireland:

- European and Internationally Protected Nature Conservation Sites (Special Areas for Conservation, Special Protection Areas and Ramsar sites);
- World Heritage Sites;
- National Parks (none designated at present);
- Areas of Outstanding Natural Beauty (AONB);
- Special Countryside Areas (SCA);
- Areas of Special Scientific Interest (ASSI);
- Sites of Archaeological Interest (SAI);
- Conservation Areas;
- Listed Buildings;

- National Nature Reserves (NNR) and Local Nature Reserves; and
- Local Sites and Designations.

The Review considers that in order to allow permitted development in as many non-householder situations as possible it will be necessary to set different limits to permitted development in different sensitive areas. This will depend on the function and purpose of the designation and how this relates to the potential impact of the development. It is concluded that there are inherent differences between what is appropriate in large scale protected areas such as National Parks and AONBs compared to more localised sites such as Conservation Areas and ASSIs.

The GDO currently defines “designated areas” to include “Conservation Areas, Areas of Special Scientific Interest, Areas of Outstanding Natural Beauty and National Parks”. It is proposed that this definition is extended to include World Heritage Sites and Sites of Archaeological Interest and Special Countryside Areas. This would provide the basis for the types of sensitive areas considered in the GDO.

Q8 Should the limitation of PD Rights be set differently in different areas depending on the nature of the designation?

Q9 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.

4.8 Climate Change and Sustainability

A sustainability agenda has increasingly come to the forefront of Government planning policy, most recently through the Department for Regional Development’s 5 Year Review into the Regional Development Strategy in 2008, the Sustainable Development Strategy for Northern Ireland (2006), and through updated and emerging Planning Policy Statements (PPSs). It is important therefore that the role and scope of the GDO should be in accordance with the policies that underpin the Government’s objectives for sustainable development.

A number of sustainability topics are considered in other parts of this Paper, e.g. waste management and protection of environmentally sensitive areas. Through the Review and its consultation with stakeholders, two further issues were raised which potentially relate to all non-householder PD rights; flooding and the implications of the Water Framework Directive. These topics are addressed in this section.

Flooding

Planning Policy Statement 15: Planning and Flood Risk sets out a general presumption against development in flood plains. At present most of the development allowed under the PD rights in the GDO could take place on flood plains as there are currently no restrictions in place in such areas. Of particular note is the threat of PD rights that individually may seem of little consequence but cumulatively have adverse effects.

An approach is suggested by the Review where certain types of permitted development are restricted in flood plains where vulnerable uses exist or are most likely to be affected by flooding.

Q10 Should certain types of permitted development be restricted in flood plains where they are vulnerable or most likely to be affected by flooding?

Further the Review proposes that conditions on permitted development in flood plains should be based on the following limits:

- No permitted development for proposals involving essential civil infrastructure (hospitals, fire stations, emergency depots and ground-based telecommunications equipment);
- No permitted development for accommodation / facilities for vulnerable groups (e.g. schools, nurseries, care homes, sheltered housing or accommodation/facilities for other vulnerable groups);
- No permitted development for hazardous substances storage sites, fuel storage depots or sewage treatment works all of which are a potential source of pollution; and
- Maximum area for any permitted development of 250m².

In addition to the above it is recommended that Article 4 directions are used to remove PD rights where the cumulative impact of minor development has been identified as adding to the flood risk potential of an area.

Q11 Should the restrictions proposed above be placed upon PD rights in flood plains for development as defined?

Basements

The current GDO allows buildings to be extended and does not stipulate whether these extensions should be above or below ground level. If such development was underground within a flood plain there could be an impact on those using such development during a flood event, particularly if the development was for the use of vulnerable people.

The choice between the options is either to remove all permitted development rights for basements in flood plains, or to remove permitted development rights for development that would be utilised by vulnerable groups and issue guidance that can be utilised by other permitted development to minimise the risk and impacts of flooding.

The Review does not believe that PD rights should extend to basements in flood plains and sets out that it is not just vulnerable groups at risk in basements (whether residential or non-residential) built in flood plains. The hazard involved is such that closer scrutiny through the planning application process is justified.

Q12 Should PD rights for basements located within flood plains be removed?

Permeable (or Porous) Surfaces

The construction of hardstandings is permitted under various parts of the GDO. The unrestricted addition of hardstandings can contribute to flooding by enhancing the speed of surface water flow and increasing the amount of water in storm water drains. Use of permeable (or porous) materials can help reduce the instances of flooding by allowing surface water to permeate through the ground.

The Review therefore recommends the following condition on PD rights for hardstandings:

- Any hardstanding created or replaced that exceeds 5m² in surface area must either be constructed of permeable (or porous) materials or any run-off from the surface is to be directed onto a permeable (or porous) area within the curtilage.

Q13 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?

Water Framework Directive

The potential effects that a relaxation of permitted development rights for non-householder land uses could have on Northern Ireland's water bodies' ability to meet some of the requirements for the Water Framework Directive¹ has been raised as a concern. The Review identified that some stakeholders felt that permitted development may impact on the current classification and mitigation measures required to allow Heavily Modified Water Bodies* (HMWBs) to reach Good Ecological Potential (GEP) and for surface waterbodies to reach or maintain Good Ecological Status (GES) by 2015.

*NOTE - Heavily Modified Water Body means a body of surface water which as a result of physical alterations by human activity is substantially changed in character.

The current GDO presents very few limitations or conditions regarding water bodies, even in those parts directly related to undertakers associated with water bodies.

The concerns regarding permitted development rights impacting on the ecological quality of surface water bodies are a wider issue relating to permitted development rights generally (i.e. not just a non-householder issue). The Review sets out that how and whether these concerns can be addressed in relation to proposed and existing permitted development rights requires a wider and more in depth consideration by the Department taking into account policy development throughout the UK in relation to implementation of the Directive. The Review does not propose any changes to PD rights at this early stage of the Directive's implementation.

Q14 Should PD rights be restricted where there are likely to be significant impacts on nearby water bodies?

¹ The Water Framework Directive requires that the ecological and chemical quality of surface water (e.g. lakes and rivers) achieves and maintains good status and that no deterioration occurs in the status of ground water (with poor status restored to good, where technically and economically feasible).

5. Development Types

The following section considers specific changes to PD rights in the GDO or introduction of new PD rights for uses not already covered. The focus of the Review has been on the potential to extend PD and therefore not every part of the GDO has been appraised. Topics have been selected on the basis of the Entec Review findings and assessed demand for the topic's reform. National policy aims to ensure that the Government's objectives for sustainable development are underpinned in planning decisions. To assist with this process, each of the topic specific recommendations was supported by a matrix within the Review that identifies any sustainability or environmental implications of each of the recommendations made.

5.1 Industry & Research & Development

5.1.1 Current PD Rights

PD rights relating to this topic are provided under Part 8 (Industrial and Warehouse development) Schedule 1 to the GDO as follows:

- Class A of Part 8 permits *'the extension or alteration of an industrial building or a warehouse'*. This Class is subject to a number of exceptions and conditions, under A.1 and A.2. A key condition placed upon this right is that the floorspace of the original building is not exceeded by more than 750 sq m;
- Further Class B permits Development carried out on industrial land for the purposes of an industrial process consisting of:
 - The installation of additional or replacement plant, machinery, or structures of that nature;
 - The provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
or
 - The provision, rearrangement or replacement of a private way, private railway, siding or conveyor.
- Finally Class C offers PD rights for *'the creation of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned'* providing this does not involve the removal of trees (C.1).

National and local policy provides support for industry and Research and Development and the economic benefits it provides to Northern Ireland. Policy states that industrial units are growing in size, but are also moving towards a cleaner image, facilitating job creation in an environmentally sensitive manner. Further, development plan policy seeks to protect and extend existing industrial and business areas where they are within easy access of the urban population, whilst not having a significant adverse impact on the environment or local amenity.

5.1.2 Proposed Changes

The Review recommends that the test of ‘*material effect on external appearance*’ is deleted, and replaced with a test similar to that for householder development. This takes into account development facing a highway and distance from boundary (as used in revised Part 8). Further the review proposes that large-scale incineration processes are excluded from Part 8 rights.

The Review proposes the following extended PD rights to Part 8 of the GDO:

A Revised Part 8: Industrial, Research and Development and Storage Uses permitting:

- A maximum of 1,000 sq m floorspace for extensions and alterations per building (with limitations in sensitive areas/ floodplains) and up to maximum of 25 per cent extra floorspace;
- Height no greater than existing building, if within 10m of a boundary maximum height of 5m;
- A maximum floorspace of 100 sq m per new building;
- Not within 5m of a boundary or facing a highway;
- Materials to match existing building;
- Not within 10m of a boundary of a residential property;
- Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
- Maximum 50 per cent ground coverage;
- Permeable (or porous) hardstanding up to 100 sq m (impermeable (or non-porous) where risk of contamination); and
- No basements in floodplains.

Q15 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.

5.1.3 Approach in Sensitive Areas

At present Part 8 rights are restricted in Conservation areas, Areas of Outstanding Natural Beauty (AONBs) and National Parks. Industrial development on such land in the form of extensions potentially up to 1,000 sq m could potentially have negative impacts on landscape, scenic or architectural value.

Similarly physical development could potentially have significant negative impacts on Areas of Special Scientific Interest (ASSI) and Sites of Archaeological Interest (SAI). Development and excavation on sites of natural, archaeological or geological value could potentially destroy such characteristics.

As a result the Review proposes to:

- Allow Part 8 PD Rights in AONBs, National Parks, and Conservation Areas but only up to a limit of 500 sq m;
- Allow Part 8 PD Rights in floodplains but only up to a limit of 250sqm; and
- Put in place conditions to remove PD rights in ASSIs and SAIs.

Q16 Should Part 8 PD rights be restricted as indicated in AONBs, conservation areas, National Parks, and floodplains and be withdrawn in ASSIs and SAIs?

It is of note that industrial areas are not traditionally located in the protected areas discussed and therefore the Review has concluded that restricting PD rights is unlikely to substantially constrain industrial development under the proposed PD rights.

5.2 Waste Management

5.2.1 Current PD Rights

The Use Classes Order² (UCO) does not include a waste management class and specifically states that ‘*waste management facility for the recovery, treatment, recycling, storage, transfer or disposal of waste*’ is outside of any use class. Hence waste management use is ‘*sui generis*’, i.e. outwith any use class and therefore would always require a planning application for the development of such facilities.

Any reference to waste management would therefore provide a new part or section to the GDO.

Typically waste management development includes banks for recyclables, civic amenity sites, waste transfer, processing, recycling and treatment, incineration, landfill and associated infrastructure. However the management of waste may be ancillary to the main purpose of a development.

5.2.2 Proposed Changes

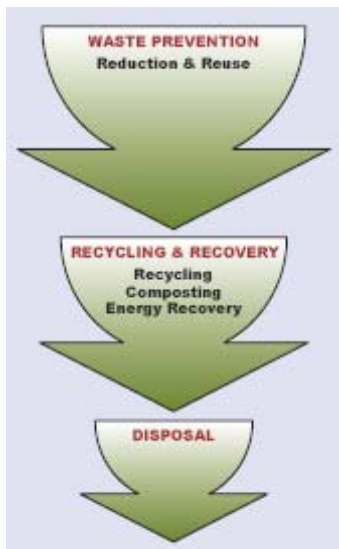
The Waste Management Hierarchy (seen below) is at the centre of European waste management policy and is referred to in PPS11 - Planning and Waste Management³. The hierarchy indicates the relative priority of different methods of managing waste, and informs the process of drafting waste management policy and planning initiatives as to how to progress towards more sustainable waste management practices. The Northern Ireland Waste

² Planning (Use Classes) Order (Northern Ireland) (2004) www.opsi.gov.uk/sr/sr2004/20040458.htm Accessed 31/10/08

³ Planning Service (2002) *PPS11 - Planning and Waste Management*

Management Strategy (WMS) – Towards Resource Management, published in 2006 promotes more sustainable waste management practices based on the hierarchy.

Figure 5.1 The Waste Management Hierarchy



The Government's focus on the waste hierarchy suggests that any potential permitted development rights would focus on schemes at the upper levels of the waste hierarchy and could encourage businesses to reuse or recycle waste if such schemes were simpler to implement in planning terms. Permitted development rights are therefore less likely to be suitable for disposal or incineration as these waste treatment methods aren't preferred in policy terms. There is likely to be a potential increase in waste facility applications to meet the drive to reduce landfill and therefore there is a need to consider PD rights given more stringent regulations on it nowadays.

The Review proposes the following additions to the GDO in relation to Waste Management.

- Amend Class A of Part 4 to clarify that 'moveable structures, works, plant and machinery' includes concrete crushers and other plant and equipment for the recovery of materials from wastes;
- A new Class D in Part 2 (Minor operations) of the GDO permitting the erection of a **waste storage container** (for non-hazardous waste⁴) subject to:
 - A maximum floor area of 20 sq m;
 - Maximum height of 2.5m;
 - Not within 10m of boundary;

⁴ Non-hazardous waste is waste which does not feature on the list of hazardous waste in the European Waste Catalogue (EWC) 2002

- Maximum 25 cu m of waste to be stored; and
- Not applicable to dwellinghouses or flats.
- A new part to the Order for '**Landfill Sites**' allowing the following works on existing waste sites:
 - Installation of boreholes for environmental monitoring;
 - Installation of odour control systems;
 - Erection of litter fencing up to 6m above made ground level;
 - Provision of sewers, mains, cables, pipes or other;
 - Installation of environmental monitoring equipment for gas, surface water and groundwater; and
 - Storage of topsoil and restoration materials up to 3m high.
- A new part to the Order for '**Waste Management Facilities**' allowing works to existing facilities subject to the following limitations:
 - Maximum 100 sq m floorspace for new buildings;
 - Maximum 100 sq m for extensions and alterations to buildings up to a maximum of 25 per cent additional floorspace;
 - Extensions to be no higher than existing building, and maximum 5m if within 10m of a boundary;
 - New buildings and extensions to be no closer than 5m to any boundary and no closer to a highway than any existing building;
 - Not within 10m of a boundary of a residential property;
 - Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
 - No loss of turning/manoeuvring space for vehicles;
 - Maximum 50 per cent ground coverage;
 - Materials to match;
 - New permeable (or porous) hardstanding up to 50 sq m (provided not used for waste processing);
 - Not permitted development within flood plains;
 - No basements in flood plains;
 - New storage bays up to 4m high; and

- Installation of boreholes for environmental monitoring.

Q17 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.

Q18 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.

Q19 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.

5.2.3 Approach in Sensitive Areas

The Review proposes to restrict the waste management additions to the GDO in sensitive areas in the following ways:

- The proposed new Class D in Part 2 PD rights (Minor Operations) relating to waste storage containers to be permitted in National Parks and AONBs. It is proposed that PD rights be removed however in CAs, ASSIs and SAIs;
- The proposed part to the Order for 'Landfill Sites' to be permitted in National Parks and AONBs but removed in CAs, ASSIs and SAIs;
- The proposed part for 'Waste Management Facilities' to be permitted in National Parks and AONBs but removed in CAs, ASSIs and SAIs.

Q20 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.

5.3 Telecommunications

5.3.1 Current PD Rights

Telecommunications are currently granted a number of PD rights in the GDO.

Part 15, Class C of the GDO permits development by an aerodrome undertaking, in connection with the provision of air traffic control services, the navigation of aircraft or the monitoring of the movement of aircraft.

Part 17 of the GDO relates to 'development by telecommunications code system operators'.

- Class A of Part 17 allows development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunications system in, on, over or under land controlled by

that operator or in accordance with their licence. This includes the installation, alteration or replacement of any telecommunications apparatus or development ancillary to equipment housing subject to substantial restrictions and conditions;

- Class B of Part 17 permits development by or on behalf of a telecommunications code system operator to use land in an emergency for a period not exceeding 6 months.

Part 18 of the GDO refers to ‘other telecommunications development’

- Class A allows the installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna subject to a number of conditions and restrictions;
- Class B permits the installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a microwave antenna subject to more restrictions and conditions.

Part 32 of the GDO relates to ‘Development for National Security Purposes’ Class C of which provides for Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land consisting of the installation, alteration or replacement of electronic communications apparatus, the use of land in an emergency (time bound) to station and operate moveable electronic communications apparatus and development ancillary to radio equipment housing.

5.3.2 Proposed Changes

National planning policy embodies the Government's commitment to facilitate the growth of new and existing telecommunications systems whilst keeping environmental impacts to a minimum. This will assist Northern Ireland in maintaining its position in an increasingly competitive global market.

To support national policy, the Review recommends a number of measures to be incorporated into Part 17 (Development by telecommunications code system operators) to facilitate mast sharing:

- An Addition to Part 17 allowing the use of telecommunication masts and apparatus by more than one operator.

The following PD rights are also recommended:

- Part 17 to be changed to apply to development by Electronic Communications Code Operators;
- Replacement of an existing mast (which was previously erected under permitted development rights or with express planning permission) and replacement of apparatus on an existing mast;
- Extension of an existing mast by 10% above its original permitted height;
- Addition of new apparatus on an existing mast providing it does not extend the mast above 10% of its original permitted height (this extension of Part 17 rights to be subject to the same conditions as Part 32 C.3);

- Where equipment is added to an existing mast, a requirement for a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection (ICNIRP) statement;
- A requirement for ‘Appropriate notice’ to be given to the local planning authority of the intention to install, alter or replace electronic communications apparatus and following use of land in an emergency; and
- Similar provisions to be made in Part 17 of the GDO as in Part 32 in relation to development necessary in the case of an emergency.

Q21 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?

5.3.3 Approach in Sensitive Areas

The Review considers that the recommendation for electronic communication masts to extend by 10% or have additional apparatus attached to them will have negligible impact upon the landscape over a large area as the key aspect is that the existing mast is already there. With regard to AONBs and National Parks therefore the proposed PD rights would not have conditions attached in sensitive areas.

The same approach is proposed towards conservation areas, SAIs and ASSIs as once installed a 10% increase in height and new apparatus installed upon the masts is deemed negligible and unlikely to have impacts on wider nature, geological or archaeological value.

Q22 Should the new Part 17 PD rights as outlined above be permitted in AONBs, National Parks, conservation areas, SAIs and ASSIs?

5.4 Commercial/Retail

5.4.1 Current PD Rights

Partly due to their concentration in town centres, retail and commercial uses do not currently have a specific class in the GDO and do not benefit from PD rights allowing alteration or extensions to premises, unlike householder or industrial development.

Town centre premises do however benefit from the following PD Rights:

- Part 2 which relates to minor operations involving boundary and access arrangements and painting;
- Part 3 (Change of Use) of the GDO permits certain changes in use for a number of retail and commercial uses;

- Specified categories of minor development in Town Centres are also permitted under Parts 12-17 when undertaken by Local Authorities, Highways Agencies and other Statutory Undertakers;
- Parts 21, 22, 26, 27 and 32 of the GDO provide permitted development rights for CCTV cameras subject to a number of conditions.

5.4.2 **Proposed Changes**

The Review proposes a number of changes to the GDO to provide greater flexibility for commercial or retail businesses thus allowing for new jobs and improved vibrancy in town centres, in line with policy whilst retaining control over the impacts on the streetscape as a whole.

The Review proposes to introduce a new part to the GDO for Retail and Town Centre Uses and a new part for Offices in line with the following:

Retail & Town Centre Uses (i.e. Shops; Financial, Professional and other Services; Business)

- PD rights for extensions, and external alterations in the form of new door or window openings, shutters and other surface fittings, subject to:
 - Maximum 50 sq m of floorspace per building;
 - A maximum of 5m in height;
 - Not within 2m of boundary;
 - Materials to match existing building;
 - Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
 - Not in front of the existing building;
 - New permeable (or porous) hardstanding up to 50 sq m; and
 - No basements in flood plains.
- Construction of trolley and bin stores away from the main building providing:
 - Not within 20m of residential property boundary;
 - Not more than 2.5m in height; and
 - Not more than 20 sq m in floor area.
- Permitted development for licensed street markets for the number of days specified in the licence;

- PD rights to allow CCTV cameras to be erected not only on buildings but also on existing poles and other structures, subject to conditions.

Offices

- A new part for offices permitting a maximum of 50 sq m of extensions or alterations per existing building up to 25% extra floorspace:
 - Height no greater than existing building, if within 10m of a boundary maximum height of 5m;
 - Not within 5m of a boundary, or facing a highway;
 - Materials to match existing building;
 - Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
 - No loss of turning / manoeuvring space for vehicles;
 - New permeable (or porous) hardstandings up to 50 sq m; and
 - No basements in flood plains.

Q23 Should:

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

5.4.3 Approach in Sensitive Areas

The table below summarises the proposed approach to sensitive areas for town centre uses.

Table ii. Recommendations for Commercial & Retail PD Rights in Sensitive Areas

Recommendation	Approach to PD in Sensitive Area				
	National Park	AONB	ASSI	SAI	Conservation Area
PD right for retail/food & drink extensions & alterations up to 50 sq m	✓	✓	✗	✗	✗
PD rights to allow the erection of trolley stores up to 20 sq m	✓	✓	✗	✗	✗
PD rights for licensed street markets	✓	✓	✓	✓	✓
PD to allow CCTV cameras to be erected on existing poles & other structures	✓	✓	✓	✗	✗
PD right for office extensions & alterations up to 50 sq m	✓	✓	✗	✗	✗

LEGEND

✓ - Remains Permitted

✗ - Excluded via condition

Q24 Do you agree with the proposed approach in relation to PD Rights for Commercial and Retail uses in sensitive areas?

5.5 Rural Areas

This section focuses on rural areas with particular reference given to agricultural development and diversification.

5.5.1 Current PD Rights

PD rights relating to this topic are provided under Part 6 (Agricultural buildings and operations) of the GDO.

- **Class A** - The carrying out on agricultural land comprised in an agricultural unit of:
 - Works for the erection, extension or alteration of a building; or
 - Any excavation or engineering operations;
 reasonably necessary for the purposes of agriculture within that unit.
- **Class B** - The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.

- **Class C** - The construction, formation, laying out or alteration of a means of access to a road.

5.5.2 Proposed Changes

National policy includes objectives seeking to achieve appropriate and sustainable patterns of development in rural areas and produce a successful rural economy. The Review has established that demand exists for PD rights that foster particular forms of agricultural diversification. It therefore proposes the following additions to the GDO to facilitate this:

Production, Storage & Distribution Activities

Amendment to Part 3 to allow change of use of an agricultural building to:

- The making of products from produce/ materials grown or reared on the farm;
- The selling of produce/products grown within a 10 mile radius, and other products which account for no more than 20% of the sales area;
- Storage and distribution uses (but no subsequent change to B1 (Business) or B2 (Light Industrial) uses.

The following limitations are proposed for these three rights:

- Farm unit to be larger than 0.5 hectares;
- The total amount of land or buildings used shall not exceed 235m² per agricultural unit, of which no more than 120m² shall comprise a farm shop;
- At least 80 per cent of the sales area in farm shops shall be given over to produce/products grown within a 10 mile radius;
- The buildings have been in an agricultural use for 5 or more years and of permanent construction;
- Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
- The building shall continue to be part of the agricultural unit; and
- If the building is no longer needed for one of these uses it shall revert to an agricultural use.

Equestrian Uses

Further the following extended PD rights regarding equestrian use are recommended:

- Change of use of land to recreational equestrian use subject to the area being no smaller than 1 ha, subject to:

- No more than two horses at any one time being kept on any 1ha plot;
- The 1ha site not being subdivided in anyway and all the land being kept available for the grazing and keeping of horses at all times; and
- No equestrian business to be carried out.
- The erection, construction, maintenance, and improvement of a fence, wall or other means of enclosure of recreational equestrian land, subject to:
 - No fences, walls or structures of any kind shall be erected if these subdivide the 1ha site area; and
 - No fence, walls or structures of any kind shall be erected if these exceed 1.4m in height.
- The erection of a field shelter solely to be used for the keeping of horses for recreational use, subject to:
 - The building shall not exceed 3.0m in height;
 - The building shall have a footprint no greater than 36m²;
 - Only one building shall be constructed per 1ha plot of land;
 - If the shelter is no longer required for the keeping of horses it shall be removed within one calendar month;
 - The building shall be a minimum of 5m from any boundary with a public road or a neighbouring residential property;
 - The field shelter shall be positioned on porous hardstanding of no more than 50 sq m;
 - No internal subdivisions, lighting or electricity to be fitted; and
 - Completely open fronted.
- The use of temporary jumps, subject to:
 - No more than eight may be positioned on any 1ha plot at any one time; and
 - The jumps shall only be in place on the site for no more than 52 days per calendar year.

Further the Review recommends that PD rights are altered to ensure that the erection of any first building on an agricultural unit has planning permission to ensure that future development can be controlled.

Q25 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; and**
- **Change of use of agricultural land to recreational equestrian uses as outlined above?**

5.5.3 Approach in Sensitive Areas

The proposed amendments to PD rights relate to the diversification of both agricultural buildings and land. The recommended rights are considered unlikely to have material impacts on the landscape with the only permitted physical development being for some equestrian apparatus. It is therefore not proposed that PD rights be restricted in such sensitive areas.

The material impacts of those rights regarding the change of use to storage, the making of products from produce/materials grown or reared on the farm and the selling of produce/products grown within a 10 mile radius is unlikely to have significant adverse impacts upon National Parks, AONBs and Conservation Areas, SAIs and ASSIs. However the development of equestrian uses on SAIs and ASSIs has potential to have relatively significant impacts on natural, geological or archaeological value. It is therefore proposed that PD rights allowing for equestrian activities are removed in SAIs and ASSIs.

Q26 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?

Q27 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?

5.6 Caravan Sites

It has become apparent that there is a discrepancy between Part 5 PD Rights and the equivalent provision in the GDPO in England and Wales in relation to caravan sites. As part of the Review provisions were assessed relating to the circumstances in which land can be used as a caravan site. The Review subsequently proposes a minor amendment to the GDO in relation to Part 5.

The Caravans Act (Northern Ireland) 1963 requires that land being used as a caravan site is licensed by the relevant District Council unless it is exempted from that requirement. The use of land as a caravan site is also, and separately, development requiring the grant of planning permission under the Planning (Northern Ireland) Order 1991.

The Schedule to the Caravans Act (Northern Ireland) 1963 describes a range of circumstances in which a caravan site licence is not required. Part 5 of the GDO then provides PD rights for the use of land as a caravan site in any of the circumstances specified in paragraphs 2, 3 and 6 to 10 of that Schedule.

This is more limited compared with the GPDO in England which also provides PD rights in circumstances equivalent to paragraphs 4 and 5 of the Schedule to the 1963 Act (in England and Wales it is the Schedule to the Caravan Sites and Control of Development Act 1960).

Paragraph 4 to the Schedule to the 1963 Act provides that a site licence is not required for the use as a caravan site of land which is occupied by an exempted organisation if the use is for recreational purposes and under the supervision of the organisation.

Paragraph 5 of the Schedule to the 1963 Act provides that a site licence is not required for the use as a caravan site of land where an exempted organisation has issued a certificate in circumstances where not more than five caravans are at the time stationed for the purpose of human habitation on the land to which the certificate relates. An exempted organisation may also issue a certificate stating that the land has been approved by the organisation for the use of its members for the purpose of recreation. A certificate must specify the date on which it is to come into force, may be for a period of not more than one year and may be withdrawn by the organisation at any time if the occupier of the land fails to comply with any condition specified in the certificate.

The GPDO in England and Wales also contains a Part 5 Class B which gives PD rights for development required by the conditions of a Caravan Site Licence. No such provision exists in Northern Ireland.

5.6.1 Proposed Changes

There is no apparent reason why paragraphs 4 and 5 of the Schedule to the 1963 Caravans Act were left out of Part 5 of the GDO, especially when the equivalent provisions were included in the GPDO in England and Wales.

The Review therefore proposes to rectify this via the inclusion in Class A A.2 of Part 5 of the GDO of paragraphs 4 and 5 of the Caravans Act (NI) 1963. This alignment of these PD rights with the rest of the UK will provide clarity and consistency for exempted organisations which operate UK wide.

Q28 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?

5.7 Institutions, Community Facilities, Leisure & Recreation

5.7.1 Current PD Rights

Currently institutions, community facilities, leisure and recreation providers do not have a specific designated class in the GDO, however they do benefit from the following PD Rights:

- Part 2 (Minor Operations) which relate to ‘minor operations’ involving means of enclosure, creation of a means of access to a road and painting;
- Part 4 (Temporary buildings and uses), Class B permits the use of land for any purpose for no more than 28 days of the year. This PD right could be used in providing a leisure or recreational use;
- Part 12 (Development by District Councils) of the GDO confers the right for district councils to erect or alter small ancillary buildings for the purpose of any function exercised by them subject to maximum heights and volumes;
- Part 25 (Development by the Department of Culture, Arts and Leisure) grants the Department of Culture, Arts and Leisure PD rights involving a range of developments including the maintenance of canals and the provision of facilities relating to fishing.

5.7.2 Proposed Changes

The Regional Development Strategy for Northern Ireland emphasises the importance of the need for soft infrastructure composing of social, cultural and community facilities which enhance quality of life and embrace the creative industries; in supporting economic objectives. Development plans also support the development of such facilities within their respective districts. The Entec Review identified demand for PD rights in these areas offering extensions and new build for institutions.

The Review proposes:

- A new Part in the GDO for '**Universities and Hospitals**' permitting extensions, new build and alterations:
 - Maximum 100 sq m floorspace and maximum height of 5 m for new buildings;
 - Maximum 100 sq m floorspace for extensions and alterations to buildings up to a maximum of 25 per cent additional floorspace at the size of the original building;
 - Extensions to be no higher than existing building, and maximum of 5 m of within 10 m of a boundary;
 - New buildings and extensions to be no closer than 5 m to any boundary and no closer to a highway than any existing building;
 - Not on playing fields;
 - Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
 - Maximum 50 per cent ground coverage;
 - Materials to match;
 - New permeable (or porous) hardstanding up to 50 sq m;
 - Not permitted development within flood plains; and
 - No basements in flood plains.
- An additional new part to the GDO for '**Schools, Leisure and Community Facilities and Other Institutions**', should be produced, this would include all the uses set out in Table iii. The new Part for other institutions would permit extensions, new build and alterations:
 - Maximum 50 sq m floorspace and maximum height of 5 m for new buildings;
 - Maximum 50 sq m floorspace for extensions and alterations to buildings up to a maximum of 25 per cent additional floorspace;
 - Extensions to be no higher than existing building, and maximum 5 m high if within 10 m of boundary;

- New buildings and extensions to be no closer than 5 m to any boundary and no closer to a highway than any existing building;
- Not on playing fields;
- Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
- Maximum 50 per cent ground coverage;
- No loss of turning/manoeuvring space for vehicles;
- Materials to match;
- New permeable (or porous) hardstanding up to 50 sq m
- Not permitted development within flood plains; and
- No basements in flood plains.

Table iii Uses Included in New Part regarding ‘Schools, Leisure & Community Facilities and Other Institutions’

Provision of education	Exhibition hall
Crèche	Bingo hall
Day nursery	Cinema
After school facility	Concert hall
Day centre	Dance hall
Provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner	Theatre
Community centre	Hotel
Display of works of art (otherwise than for sale or hire)	Uses for or in connection with public worship or religious instruction
Museum	Swimming bath
Public library	Skating rink
Public hall	Gymnasium
Reading room	

Q29 Should:

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

- **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?**

5.7.3 Approach in Sensitive Areas

The proposals outlined above are deemed to be moderate enough to avoid material impacts on the wider landscape value of National Parks or AONBs and as such are permitted in these areas. In Conservation Areas however there may be potential impacts on the historic interest of these areas even from relatively modest development and it is therefore recommended that PD is withdrawn.

The Review considers that any new build or extensions to universities, hospitals, schools, leisure and community, and other institutions could potentially cause impacts to SAIs and ASSIs and it is therefore recommended that PD is withdrawn in these areas.

Q30 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?

5.8 Utilities

PD rights for utilities in Northern Ireland as provided in Part 13 of the GDO are fairly extensive. This includes railway undertakings, dock, pier, harbour or water transport undertakings, electricity undertakings, gas undertakings, road passenger transport undertakings, lighthouse undertakings, and the post office and water and sewerage undertakings. In addition, under Part 10 - Repairs to Services, the GDO permits the carrying out of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.

The table below provides a summary of the rights granted in the GDO.

Table iv Summary of PD Rights for Utilities in Northern Ireland

Statutory Bodies	Permitted Development Rights
Railway undertakings	Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.
Dock, pier, harbour or water transport undertakings	Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour or water transport undertakings, required: (a) for the purposes of shipping; or (b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or the movement of traffic by any railway forming part of the undertaking.

Electricity undertakings	Development by electricity undertakers for the generation, transmission, distribution and supply of electricity for the purposes of the undertaking. Specifically Class (c) permits the <i>'the installation of service lines for individual consumers from an electric line'</i> . This is subject to the length of line not exceeding 100m and the land concerned not being within a site of archaeological interest.
Gas undertakings	Development by a gas undertaker required for the purposes of its undertaking consisting of: <ul style="list-style-type: none"> (a) the laying underground of mains, pipes or other apparatus; (b) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus; (c) any other development carried out in, on, over or under the operational land of the gas undertaking.
Road passenger transport undertakings	Development required for the purposes of the undertaking consisting of: <ul style="list-style-type: none"> (a) the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles; (b) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles; (c) any other development on operational land of the undertaking.
Lighthouse undertakings	Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894 and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to that Act.
Post office undertakings	Development required for the purpose of the Post Office consisting of: <ul style="list-style-type: none"> (a) the installation of posting boxes or self-service machines; or (b) any other development carried out in, on, over or under the operational land of the undertaking.

Statutory Bodies

Permitted Development Rights

Water and sewerage undertakings	Development by water or sewerage undertakers consisting of: <ul style="list-style-type: none"> (a) Development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus; (b) Development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge; (c) Development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse; (d) The provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation; (e) The maintenance, improvement or repair of works for measuring the flow in any watercourse or channel; (f) The installation in a water distribution system of a booster station, valve house, meter or switch-gear house; (g) Any works authorised under Article 141 (works under drought orders) or Articles 219 and 220 (pipe laying) of the Water and Sewerage Services (Northern Ireland) Order 2006; (h) Any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building; or (i) The strapping of pipelines to bridges. <p>Certain restrictions apply to these.</p>
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Proposed Changes

The Review proposes the following changes in relation to Part 13 of the GDO:

- The extension of Class C (Electricity Undertakings) PD Rights for single user overhead lines up to a permitted length of 400m;
- An addition to Part 13, Class A (Railway undertakings) to permit development by or on behalf of railway undertakers on their operational land, required for the provision of electronic communication masts for rail safety systems of a height of less than 15 metres. However development is not permitted if:
 - In the case of the installation of apparatus (other than on a building or other structure) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
 - In the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
 - In the case of the installation, alteration or replacement of any apparatus other than:
 - A mast;
 - An antenna;
 - A public call box;
 - Any apparatus which does not project above the level of the surface of the ground; or
 - Radio equipment housing;
 - The ground or base area of the structure would exceed 1.5 square metres.
 - In the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a road;
 - In the case of the installation, alteration or replacement of radio equipment housing:
 - The development is not ancillary to the use of any other telecommunication apparatus; or
 - It would exceed 90 cubic metres or, if located on the roof of a building, it would exceed 30 cubic metres.
 - If within an ASSI or SAI.
- Class B (Dock, pier, harbour or water transport undertakings) to include PD rights for security fencing of up to 2.4 metres in height should be included but removed where the operational boundary is shared with a residential dwelling;

- Class B (Dock, pier, harbour or water transport undertakings) to include PD rights for security CCTV cameras with suitable height restrictions;
- Class G (Post Office) to provide PD rights for universal postal service pouch boxes, except in conservation areas and subject to the condition that they be sited to minimise their effect on pedestrian flow and visual impact;
- Replace 'Post Office' with 'universal service provider' wherever it occurs with Class G (Post Office);
- Provide interpretation provision stating that 'universal service provider' and universal postal pouch-box' are defined in the Postal Services Act 2000;
- Class H (Water and Sewerage Undertakings) to add 'control kiosks' to the list of PD under part (f); and
- New point (j) under Class H (Water and Sewerage Undertakings) the erection of a building for the housing of essential equipment necessary for the function of the operational site in the delivery of the water and sewerage undertaker's statutory duties. Subject to:
 - A maximum floorspace of 30 sq m per new building;
 - Not within 5m of a boundary or facing a road;
 - No loss of turning/manoeuvring space for vehicles;
 - Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted;
 - Maximum 50 per cent ground coverage;
 - Maximum height of 4m;
 - The first above ground development should require planning permission;
 - Not permitted development if the building is to serve proposed operations below ground in floodplains;
 - Not permitted development within flood plains; or
 - The land is within a Site of Archaeological Interest or Area of Special Scientific Interest.
- Amend paragraph (b) of Part 13, Class H (b) to include additional wording in the clause... '...supply and distribution of water or for...'

Q31 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.

5.8.2 Approach in Sensitive Areas

The impact of the recommended approach on sensitive areas is likely to vary. In Areas of Outstanding Natural Beauty (AONBs) and National Parks there is potential for overhead lines to have some impact in the form of their external appearance. However the Review considers that the recommendation for overhead lines up to 400m will not detrimentally impact upon the landscape over a large area. With regard to AONBs and National Parks therefore PD rights would not have conditions attached to them. For overhead lines specifically a condition regarding Special Countryside Areas is to be included, restricting overhead lines to 100m, as these areas are particularly sensitive and thus require greater protection. For the other PD rights proposed it is not considered that they will give rise to adverse impacts over wider landscape areas and therefore should be allowed in AONBs, National Parks and Special Countryside Areas.

However, Areas of Special Scientific Interest (ASSIs) and Sites of Archaeological Interest (SAIs) present a different issue as these areas are generally smaller and there is therefore potential for ground disturbance from PD rights for utilities which may potentially impact on nature conservation, geological value or archaeological remains. In such areas the proposed PD rights would be withdrawn. It is deemed that the effects of the recommendation on conservation areas is negligible as demand for service lines to individual consumers is likely to be in rural areas, whilst conservation areas are predominantly located in urban areas where electricity apparatus is likely to have been previously installed. As a consequence no condition with regard to conservation areas is proposed. The approach is proposed to be the same for the additional PD rights proposed for the erection of buildings for the housing of essential equipment for water and sewerage undertakings as that taken for overhead lines, given the potential for ground disturbance.

It is proposed that all Class A (Railway Undertakings), Class C (Electricity Undertakings) and Class G (Post Office) PD rights are to be removed in ASSIs; and that Class B (Dock, pier, harbour or water transport undertakings) PD rights are restricted in ASSIs. Further it is proposed that the recommendation to permit the provision of electronic communication masts for rail safety systems sees them restricted in SAIs as well, due to the potential for ground disturbance.

Q32 Do you agree with the approach to Part 13 reform in sensitive areas?

5.9 Minerals

5.9.1 Current PD Rights

At present the GDO contains a specific section regarding Mineral Exploration permitting minor mineral operations under Part 16:

The GDO permits the following development on any land for a period not exceeding 4 months:

- The drilling of boreholes;
- The carrying out of seismic surveys; or

- The making of other excavations

This is provided it is for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any such operations.

However development is not permitted by this Class if:

- The developer has not previously notified the Department;
- Any operation is within an ASSI or site of archaeological interest;
- An explosive charge of more than 1 Kg is to be used; or,
- Any structure would exceed 3m in height where such structures would be within 3 Km of an aerodrome.

5.9.2 Proposed Changes

The Review identified the PD rights for mineral extraction in Northern Ireland to be restricted compared to the rest of the UK. There was also stakeholder demand for the GDO to be reformed to allow a number of minor developments and operations to assist mineral operators. As a consequence the following new part is proposed by the Review for development ancillary to mining operations:

- Class A - The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any:
 - Plant or machinery;
 - Buildings;
 - Private ways or private railways or sidings;
 - Sewers, mains, pipes, cables or other similar apparatus;
 on land used as a mine.

However development is not permitted by Class A if:

- In relation to land at an underground mine on land which is not an approved site;
- The principal purpose of development would be any purpose other than the purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or the treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- The external appearance of the mine would be materially affected;

- The height of any building, plant or machinery, if any, which is not in an excavation would exceed; 15m above ground level; or the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered, whichever is the greater;
- The height of any building, plant or machinery in an excavation would exceed; 15m above the excavated ground level; or 15m above the lowest point of the unexcavated ground immediately adjacent to the excavation; or the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered, whichever is the greatest;
- Any building erected (other than a replacement building) would have a floorspace exceeding 1,000 square metres; or
- The floorspace of any replaced, extended or altered building would exceed 25% of that of the existing building or the floorspace would exceed by more than 1,000 sq m the floorspace of the existing building.

This would be subject to the following conditions:

- All buildings, plant and machinery permitted by Class A shall be removed from the land unless the planning authority have otherwise agreed in writing; and
- The land shall be restored, so far as practicable, to its condition before the development took place, or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer. Further the review outlines there is a need to make it clear in the GDO that Part 8 regarding (Industrial and Warehouse development) does not apply to mining operations.

Q33 Should a new Part be provided for ‘Development ancillary to mining operations’?

Q34 Do you agree with the proposed exclusions and conditions for ‘Development ancillary to mining operations’? If not please comment and explain why not.

- Class B - Development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.

However development is not permitted by Class B where:

- The external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would be materially affected;
- Any building, plant, machinery, structure or erection:
 - Would exceed a height of 15 metres above ground level; or
 - Any building, plant, machinery, structure or erection rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater;
- The development consists of the extension, alteration or replacement of an existing building and

- If the floorspace of any replaced, extended or altered building would exceed by more than 25% the floorspace of the building replaced, extended or altered; and
- The floor space of the building as extended, altered or replaced exceeds that of the existing building by more than 1,000 square metres.

Q35 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.

5.9.3 Approach in Sensitive Areas

Mineral extraction may have significant impacts on the wider landscape within National Parks or AONBs. However permitted development rights are exercised in relation to an existing site that has planning permission. Moreover, given the nature of quarrying sites it may be more possible to hide plant and buildings below surrounding ground level, than for other development types. The Review does not therefore propose restricting PD rights further in AONBs and National Parks. In the event that planning permission is granted within an AONB or National Park and there is concern about the sensitivity of the site, PD rights could be withdrawn by planning condition.

Extending buildings up to 1,000 sqm could potentially have significant impacts on sites of natural, archaeological or geological value such as SAIs and ASSIs. Development and the disruption caused during the construction process could potentially destroy such characteristics and therefore the removal of PD rights in such areas is proposed. Further, the proposed PD rights are to be restricted in Conservation Areas as development of such scale could have significant impacts on such areas and disturb urban populations. In practice it would seem unlikely that mineral extraction would occur in Conservation Areas as these are more likely to be in urban or built up areas.

Q36 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

6. Regulatory Impact Assessment

6.1 Summary

A Partial Regulatory Impact Assessment (RIA) has been developed for public consultation for proposed revisions to non-householder General Development Order (GDO). The RIA is a policy tool to help inform policy decisions.

All NI Government Departments must comply with the regulatory impact assessment process when considering any new, or amendments to, existing policy proposals. The RIA is an assessment of the impact of policy options in terms of the costs, benefits and risks of a proposal” (DETINI 2004)⁵.

Three policy options are considered in the RIA. These options are based on the recommendations made by the report “*Review of Non-Householder Permitted Development Rights*” and do not include any actions beyond those PDR recommendations. There are two principal policy options that reflect different levels of implementation of the recommendations together with a ‘do nothing’ scenario:

- **Option A: ‘Do nothing’ scenario** – This is required in all RIAs undertaken for consultation. This option relates to the “business as usual” (BAU) scenario where developers will continue to apply for planning consent as set out in current regulations;
- **Option B: ‘All recommendations’ scenario.** This considers the implementation of all recommendations set out in the report and includes the situation that enhanced changes to the communication of the GDO are implemented immediately rather than being phased; and
- **Option C: ‘Phased all recommendations’ scenario.** This option considers that all of the inclusions recommended for permitted development (PD) apply (as Option B). However, under Option C, the planning authority will initially issue guidance on permitted development aimed at improving information regarding the new General Permitted Development Order (GDPO)⁶ with subsequent enhancements to improve the communication of the Order at a later stage (e.g. website and having planning experts).

The main costs of proposed revisions to the GDO will occur to the Planning Authority in terms of the costs of disseminating information (e.g. developing a website, training material and guidance document) and loss of revenue from planning application fees. The main benefits to the Planning Authority will be the avoided costs of processing applications and a reduction in processing time. The benefits of avoiding planning applications (to

⁵ Better policy making and Regulatory Impact Assessment: A guide for Northern Ireland – Department of Enterprise, Trade and Investment (December 2004) <http://www.detini.gov.uk/cgi-bin/downdoc?id=3117>

⁶ For further details see section 6 ‘Cross-Cutting Themes’ of the report and in particular section 6.2 – ‘Communicating the GDO’.

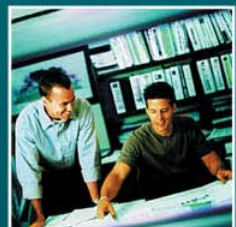
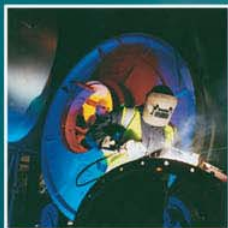
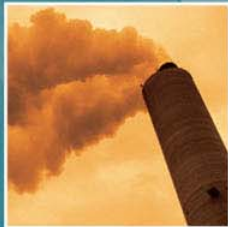
applicants) are estimated to be in the region of £2.1m per annum. Further details of the costs and benefits as well as sector specific impacts can be found within the RIA.

Q37 Of the options outlined above which would be your preferred approach?

Department of the Environment Planning Service

APPENDIX 1

Regulatory Impact Assessment on the Review of Non-Householder Permitted Development Rights



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Report for

Wilfred Reavie,
Policy and Legislation Unit
Planning Service
17-25 Great Victoria Street
Belfast
BT2 7BN

Main Contributors

Rohit Mistry
Louise Tait

Issued by

.....
Rohit Mistry

Approved by

.....
Alistair Donohew

Entec UK Limited

17 Angel Gate
City Road
London EC1V 2SH
England
Tel: +44 (0) 207 843 1400
Fax: +44 (0) 207 843 1410

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Department of the Environment Planning Service

APPENDIX 1

Regulatory Impact Assessment on the Review of Non-Householder Permitted Development Rights

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Contents

1.	Purpose and Intended Effect of Measures	1
2.	Options	5
3.	Sectors and Groups Affected	7
4.	Costs and Benefits	9
4.1	Introduction	9
4.2	Public Sector	9
4.3	Applicants	10
4.3.1	General	10
4.3.2	Sector Specific Impacts	13
4.4	Society	16
5.	Competition Assessment	19
6.	Small Business Impact Test	21
7.	Rural Proofing	23
8.	Equality Screening	25
Table 4.1	Differences in the Costs and Benefits to the Public Sector	9
Table 4.2	Annual Net benefits to applicants (£)	12
Table 4.3	Differences in the benefits to (current) applicants due to “cross cutting” recommendations	13
Table 5.1	Competition Filter Questions	19
Table 8.1	Equality Screening - Impacts table	26
Appendix A	References	



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1. Purpose and Intended Effect of Measures

Objective

In Northern Ireland the Planning (General Development) Order (NI) 1993 (the “GDO”) sets out what types of development can be undertaken without requiring a planning application. These are referred to as permitted development rights (PDR) and often relate to minor building work that have least impacts to neighbours, nearby surroundings and the environment. In the Entec report titled “*Review of Non-Householder Permitted Development Rights*” (hereafter referred to as the ‘report’), several recommendations are set out to extend PDR in the non-domestic sector. The objectives of these recommendations are to:

- Reduce the volume of planning applications and regulatory burden on the planning authority associated with processing applications;
- Disseminate information about what is permitted development (PD) in a more user friendly manner which could save time to both the planning authority and those looking to build extensions; and
- Reduce costs to applicants (previously needing permission) – Making the PDR more favourable for those building works that have least impacts on neighbours and the environment, means that there are no longer the “nuisance barriers” and direct (fees) and indirect costs (e.g. time and professional fees) associated with applications.

Background

In 2007/2008 (April 07 – March 08) there were 27,906 planning applications submitted, of which 21,920 were residential applications and 5,986 were non residential planning applications¹. The overall approval rate for all applications was 91.6% which demonstrates that the vast majority of planning applications are approved. There may also be a significant number of developments which are not recorded in these statistics, as they are already considered permitted development.

Rationale for Government Intervention

There are several key inefficiencies with the current system, which could be improved to the benefit of both the planning authority and those currently having to submit applications for planning consent. In some instances some of the development that currently requires planning consent may have no significant impacts and therefore resource costs for to both the planning authority and the applicant could have been avoided. This further adds to the number of applications that the planning authority has to deal with, which increases pressure on the authority and potentially diverts resources away from dealing with developments that have more significant impacts and greater

¹ The Planning Service, Development Management Statistical Bulletin (April 2007- March 2008)



benefit to the economy. This could have an effect on the time taken to determine applications. As outlined above, 91.6% of applications were given planning consent.

Secondly, the report refers to stakeholder views that there are difficulties interpreting what is permitted development (PD) for all parties concerned and therefore concern that planning applications are sometimes submitted for development which is already PD. Whilst applicants can apply for a Certificate of Lawful Use of Development (CLUD) to find out if a development is PD or not, these can, in certain cases take some time to determine. If the conclusion of the CLUD application is that it is not PD then a planning application is still required, resulting in a lengthy period before the development can go ahead. As a consequence applicants sometimes do not use the CLUD system and go straight to applying for planning permission, which may result in planning applications for development which is already PD.

Consultation

The recommendations set out in the report were developed through consultation with a comprehensive range of organisations. Listed below are some of the organisations consulted as part of the development of the report:

- Government organisations - Planning authority, Northern Ireland Local Government Association, Northern Ireland Ombudsman, Statutory Advisory Council Secretariat, Department of Enterprise, Trade and Investment, Newtownabbey Borough Council, Department Education and Learning, Civil Aviation Authority, Ministry of Defence, Planning Appeals Commission, NI Chamber of Trade, Department for Regional Development, Department of Agriculture and Rural Development, Department of Health, Social Services and Public Safety, Northern Ireland Roads Service, Department for Social Development, Northern Ireland Environment Agency, Northern Ireland Energy Agency, Ballymena Divisional Office, Belfast Divisional Office, Craigavon Divisional Office, Downpatrick Divisional Office, Londonderry Divisional Office, Omagh Divisional Office, Antrim Borough Council, Ards Borough Council, Armagh City and District Council, Ballymena Borough Council, Ballymoney Borough Council, Banbridge District Council, Belfast City Council, Carrickfergus Borough Council, Castlereagh Borough Council, Coleraine Borough Council, Cookstown District Council, Derry City Council, Down District Council, Dungannon & South Tyrone Borough Council, Fermanagh District Council, Larne Borough Council, Limavady Borough Council, Lisburn City Council, Magherafelt District Council, Moyle District Council, Newry and Mourne District Council, North Down Borough Council, Omagh District Council and Strabane District Council;
- Industry and associations – National Grid Wireless, Mobile Operators Association, Belfast International Airport, Northern Ireland CBI, Federation of Small Businesses, NI Agricultural Producers Association, Ulster Farmers Union, Warrenpoint Harbour Authority, Londonderry Port and Harbour Commissioners, Larne Harbour Commissioners, Belfast Harbour, City of Derry Airport, British Ports Association, National Air Traffic Services (Belfast), Newtownards Aerodrome, Translink, NIM, CEF, Belfast City, DHSSP, WELB, NEELB, QPANI, NI Electricity Plc and NI water;
- Other - Invest Northern Ireland, N.I Environment Link, South Eastern regional College, Southern Group Environmental Health, Royal Institution of Chartered Surveyors in Northern Ireland, Royal Society of Ulster Architects, RTPI Irish Branch, The Law Society Northern Ireland, Chartered



Institute Environmental Health, Institute of Historic Building Conservation, Institute of Civil Engineers, Institution of Highways and Transportation, Council for Nature Conservation and Countryside, Friends of the Earth, National Trust, Historic Buildings Council, Historic Monuments Council, Rural Development Council for NI, Sports Council NI, RSPB, Ulster Architectural Heritage Society, Ulster Society for Preservation of Countryside, Wildfowl and Wetland Trust, Woodland Trust, WWF, Belfast Civic Trust, Ulster Wildlife Trust, University of Ulster, Queens University Belfast, Cafre, Northern Ireland Chamber of Commerce, Health and Social Services Boards and Health Estates Agency.

Consultation was initially undertaken with a wide range of stakeholders using a survey questionnaire which was then followed up with 2 stakeholder workshops to address issues in more detail. The first workshop was held with Divisional Planning Officers and the second was held with a number of key stakeholders for the sectors being considered (Industry and R&D, Waste Management, Minerals, Telecommunications, Commercial/retail, Rural Areas, Institutions, Community Facilities, Leisure & Recreation, and Utilities).



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2. Options

Three policy options are considered in this Regulatory Impact Assessment (RIA). These options are based on the recommendations made by the report and do not include any actions beyond those PDR recommendations. There are two principal policy options that reflect different levels of implementation of the recommendations together with a ‘do nothing’ scenario:

- **Option A: ‘Do nothing’ scenario** – This is required in all RIAs undertaken for consultation. This option relates to the “business as usual” (BAU) scenario where developers will continue to apply for planning consent as set out in current regulations;
- **Option B: ‘All recommendations’ scenario.** This considers the implementation of all recommendations set out in the report and includes the situation that enhanced changes to the communication of the GDO are implemented immediately rather than being phased; and
- **Option C: ‘Phased all recommendations’ scenario.** This option considers that all of the inclusions recommended for permitted development (PD) apply (as Option B). However, under Option C, the planning authority will initially issue guidance on permitted development aimed at improving information regarding the new General Permitted Development Order (GPDO)² with subsequent enhancements to improve the communication of the Order at a later stage (e.g. website and having planning experts).

² For further details see section 6 ‘Cross cutting themes’ of the report and in particular section 6.2 – ‘Communicating the PDO’.



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3. Sectors and Groups Affected

The main sectors (as defined in the main report) and groups affected are set out below. They are grouped into three broad categories; the planning authority, applicants, society. These three broad groups are used throughout this RIA:

- **Public sector** – particularly the planning authorities;
- **Applicants** – This refers to the 8 sectors as set out in the report that have to submit planning applications for their proposals but under Options B and C will no longer require planning consent (for those extensions/builds that meet the new PD criteria). It is recommended that the reader familiarise themselves with the sectors as specifically defined in the main report. These 8 sectors are listed below:
 - Industry and R&D;
 - Waste Management;
 - Telecommunications;
 - Commercial/Retail;
 - Rural Areas;
 - Institutions, Community Facilities, Leisure & Recreation;
 - Utilities;
 - Minerals.
- **Society** – This refers to impacts that changes to the GDO might have on those living and working in close proximity to the development as well as wider environmental and social issues.

In addition other groups may be affected and are specifically named in the RIA:

- **Planning application specialists** – this includes architects, technicians, town planning consultants, and developers.



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4. Costs and Benefits

4.1 Introduction

This section sets out the costs and benefits that have been identified and result from options B and C compared with the ‘do nothing’ scenario (option A). The costs and benefits have been broken down in relation to the 3 principal groups affected; the public sector, applicants and society:

4.2 Public Sector

The fees charged for planning applications are set at a level that is intended to cover the processing costs incurred by the planning authority. Therefore, the loss of revenue due to a greater number of non-domestic developments considered permitted development (PD) is equally offset by the savings in not having to process these applications. It is possible that some applicants may want a ‘lawful development certificate’ and, similarly, fees are set to cover the costs of processing these applications. It is considered that the number of applications avoided is the same for option B and C, as both options include the same recommendations for PD. However, the options vary in terms of how it is proposed the GDO is communicated. The assessed differences in the costs and benefits to the public sector for these two options are set out in Table 4.1:

Table 4.1 Differences in the Costs and Benefits to the Public Sector

	Option B	Option C
Reduction in planning applications	<ul style="list-style-type: none"> Fewer applications due to extension of PDR; Could be fewer applications received due to better awareness of what is PD by general public and planning authority staff through the website, guidance document and internal training programmes. 	<ul style="list-style-type: none"> Fewer applications due to extension of PDR; Could be fewer applications received due to better awareness of what is PD by general public and planning authority staff due to guidance document.
Reduction in processing time	<ul style="list-style-type: none"> Significantly fewer enquiries made to clarify whether a build is PD; There could be a reduction in processing time due to a reduction in unnecessary applications for builds that are PD; Planning “experts” and training could lead to faster processing times and greater confidence that queries can be addressed faster could lead to reduction in the volume of applications received since applicants might avoid submitting an unnecessary application. 	<ul style="list-style-type: none"> There could be fewer enquiries made to clarify whether a build is PD; Process and guidance under the control of the planning authority. Guidance itself might help staff understand PD rights and speed up processing time.



Table 4.1 (continued) Differences in the Costs and Benefits to the Public Sector

	Option B	Option C
Costs of disseminating information	<ul style="list-style-type: none"> • Significant cost of developing and updating website; • Producing training material and running training sessions; • Cost of developing and updating PD guidance document. 	<ul style="list-style-type: none"> • Cost of developing and updating PD guidance document.
Improvements in staff skills	<ul style="list-style-type: none"> • Easier and quicker to train new staff through training programmes, website and guidance document; • Developing a better skills base as there is better information available and training material and internal planning authority "expert" 	<ul style="list-style-type: none"> • PD guidance document could be used as a reference point for training staff.
Redistribution of resources	<ul style="list-style-type: none"> • Less staff could be required as more applications will be PD and better information on PDO should also reduce volume of unnecessary applications. Staff can then be reallocated to other tasks within planning authority if required; • Improved skills base of staff could lead to a reduction in staff required to deal with the reduced volume of applications. Staff can then be reallocated to other tasks within planning authority if required; • Fewer staff might be required for dealing with a reduced volume of telephone queries. Staff can then be reallocated to other tasks within planning authority if required; • Might be an increase in staff required to deal with applicants wanting lawful development certificates; • Staff (time) will be required to develop training material and perform training workshops. 	<ul style="list-style-type: none"> • Less staff could be required as more applications will be PD and better information on PDO should also reduce volume of unnecessary applications. Staff can then be reallocated to other tasks within planning authority if required; • Might be an increase in staff required to deal with applicants wanting lawful development certificates.

4.3 Applicants

4.3.1 General

There are potentially savings to applicants under options 2 and 3 if their development is considered to be PD. These applicants will still have to make sure their build meets building regulations, but they will not incur the



application fees³ for planning consent and the administrative costs⁴ incurred to submit an application. It was estimated that 710 applications could be saved each year.

However, this does not take into consideration the number of applications that now require planning consent due to the exception of some developments in sensitive areas or flood plains from PD. Based on the restrictions recommended being taken forward, it is considered that the impact on the number of applications is likely to be negligible. Savings in applications due to recommendations proposed in the report as “cross cutting themes” (e.g. communication of the PDO) are not included (except those concerning disability access where it was possible to estimate the number of applications saved) and are likely to be quite significant. However, it is not possible to estimate the specific number of avoided applications and therefore the savings estimated in Table 4. are likely to underestimate the avoided cost. A qualitative assessment of these benefits is described in Table 4..

The potential savings may be somewhat offset if it is assumed that some developers will want a lawful development certificate⁵ to provide evidence that the build conforms to all legal requirements for insurance or funding purposes. It is unknown what proportion of applicants will want a certificate. For the purposes of this RIA it has been estimated as 2.5% of avoided applications. This is based on the number of lawful development applications approved and rejected in 2007/08 relative to the number of non-householder applications received⁶. The fee for a lawful development certificate is related to the equivalent planning application fees and could equate to that fee or to half of it. Given the range of planning fees that might apply the following is a working assumption for the purposes of this RIA. It is assumed that the administrative cost to the applicant is £725 which is half the administrative cost relating to a planning application and that the cost per application is 50% of equivalent planning application fees⁷.

³ The average fees saved are set at £230 per application based on current fees of £230 per 0.1 hectares. However electricity lines are subject to a higher application fee of £759 as are industrial sector fees for applications with floor space >1,000m². These fees are based on information from http://www.planningni.gov.uk/index/advice/fees_forms/fees/fees_appendix_a.htm and http://www.planviewer.planningni.gov.uk/bt_pandarusexternal/ and increased by 15% to reflect recent increases.

⁴ An administrative cost of £1,450 is used as many developers will use planning specialists. This estimate is consistent with other RIAs concerning the GPDO in England and PDO in Northern Ireland.

⁵ for further information see: http://www.planningni.gov.uk/index/advice/advice_leaflets/leaflet06/leaflet06_benefits.htm

⁶ Number of CLUDs approved and rejected (April 07 – March 08) was 148 relative to the number of non householder applications which was 5,986 (April 07 – March 08). Data provided by the Planning Service Statistics Team.

⁷ http://www.planningni.gov.uk/index/advice/fees_forms/fees/fees_lawful.htm



Table 4.2 Annual Net benefits to applicants (£)

Sector	Annual number of applications saved ¹	Cost of an application (admin + fees)	Avoided costs of applications	Cost of lawful development certificate	Net annual savings
	(A)	(B)	(C)=A*B	(D)=(2.5%*A)*(50%*B)	=C+D
Cross cutting theme - Disability option	15	£1,680	£25,200	-£312	£24,888
Industry and R&D : (floorspace >1,000m ²) ²	15.5	£4,670	£72,385	-£895	£71,490
Industry and R&D: (freestanding buildings up to 100m ²)	15.5	£1,680	£26,040	-£322	£25,718
Waste Management	0	-	-	-	-
Telecommunications	0	-	-	-	-
Commercial/retail	108	£1,680	£181,440	-£2,243	£179,197
Rural Areas	0	-	-	-	-
Institutions, Community Facilities, Leisure & Recreation	77	£1,680	£129,360	-£1,599	£127,761
Utilities (Electricity lines) ³	479	£2,209	£1,058,111	-£13,081	£1,045,030
Minerals	0	-	-	-	-
TOTAL	710	-	£1,492,536	-£18,451	£1,474,085

¹ – This does not take into consideration the number of applications now submitted due to removal of some PD for sensitive areas and flood plains or the numbers saved due to most of the recommendations set out in the “cost cutting themes” section of the report. Disability access has been included in the results as it was possible to estimate savings in applications.

² - Industrial applications with a floor space of >1,000m² are subject to a higher application fee of £3,220 compared to a general application cost of £230. Therefore the avoided cost will be higher £4,670 (£3,220+£1,450) rather than 1,680 (£230+£1,450). Based on the report, it is believed that 50% of applications will relate to applications with floor space >1,000m².

³ – Electricity lines are subject to a higher application fee of £759 compared to a general application cost of £230. Therefore the avoided cost will be higher £2,209 (£759+£1,450) rather than 1,680 (£230+£1,450). Based on the report, it is believed that all the saved applications within the utility sector relate to electricity lines.



Table 4.3 Differences in the benefits to (current) applicants due to “cross cutting” recommendations

	Option B	Option C
Greater certainty on whether a build is PD	<ul style="list-style-type: none"> Greater access to information might mean that time and costs are reduced by avoiding phoning/submitting an enquiry/application as to whether the build is PD May not wish to apply for a certificate of lawful development if it easily accessible to show that it would be PD via a website. 	<ul style="list-style-type: none"> Avoided cost (time, uncertainty) of phoning/submitting an enquiry as to whether the build is PD.
Faster responses to queries	<ul style="list-style-type: none"> Better informed staff and planning “expert” could speed up queries Reduced volume could also mean that remaining applications can be processed much faster and decisions made. 	<ul style="list-style-type: none"> Process and guidance under the control of the planning authority. Guidance itself might help staff understand PDO and speed up processing time Reduced volume could also mean that remaining applications can be processed much faster and decisions made.
Redistribution of resources	<ul style="list-style-type: none"> Fewer resources are required especially for planning application specialists and resources can be reallocated elsewhere. 	<ul style="list-style-type: none"> Fewer resources are required especially for planning application specialists and resources can be reallocated elsewhere.

4.3.2 Sector Specific Impacts

Since the proposed PDR recommendations for each sector in the report are identical for options B and C (relative to option A – do nothing), it is not necessary to compare options B and C. The costs and benefits of these options for each sector are summarised below, in order to compare these options to the current situation. The definition and scope of the sectors and the impacts noted within this section are as described within the report.

Industry and R&D

Industrial development includes light and general industrial uses as well as research and development. This sector is recognised in national policy as being an important contributor to the economy as it includes high value added employers. As a consequence of its importance and that it is often developed in specifically designated locations, the sector enjoys relatively generous PD rights.

The aim of Planning Policy Statement 4 (PPS 4) is to create a competitive environment that encourages inward investment. The proposals recommended under options B and C intend to increase floor space to 1,000m² which is in line with England and Scotland and therefore creates more consistency with PDR with the rest of the UK.

This sector reports that the perceived complexity of definition of PDO might prevent them from investing in new or existing sites’. Therefore the simplification of PD will reduce barriers to business. Greater clarification and more appropriate PD might arguably make it is easier to expand operations – e.g. new PD for extensions, new builds and



hard-standings expanding facilities and operations could lead to increased business or value added activity, which might also generate additional jobs.

The proposed recommendations under options B and C also encourage reuse of brownfield industrial sites rather than development of Greenfield sites. This has positive societal implications, such as the preservation of the natural rural landscape.

PD will be allowed in sensitive areas but on a restricted basis, for example increase in floorspace only up to 500m². Therefore, this is likely to impact rural, heritage and conservation sites rather than urban areas. However under business as usual conditions (i.e. Option A – ‘Do nothing’) it is believed that there are limited industrial development in such areas and therefore any change or restriction to PD is likely to have fewer effects.

Waste Management

At present (Option A – ‘Do nothing’) just over 70% of Northern Ireland’s Municipal Solid Waste (MSW) goes to landfill. The Biodegradable Municipal Waste (BMW) landfilled in 2007/08 was 80% of the 1995 levels. The UK as a whole requires a reduction in the amount of biodegradable municipal waste (BMW) going to landfill to 35% of 1995 levels by 2020. As a consequence national policy recognises a need to change waste management practices by increasing activities that are higher up the waste hierarchy (e.g. reuse and recycling) and reduce pressure on Northern Ireland’s limited landfill resources. This will in part be achieved through waste minimisation.

The Government’s desire to reduce disposal and increase other activities in the waste hierarchy would aim to change PD in such a way to encourage businesses to reuse or recycle waste if such schemes were simpler to implement in planning terms. The current number of planning applications for this sector is very small and therefore any proposed changes are expected to have minimal impacts. Under options B and C proposed changes that would be PD, are minimal changes to waste storage containers and works on existing waste sites which might improve the efficiency of existing operations at waste sites.

Telecommunications

The Planning Policy Statement 10 (PPS 10) in 2002 sets out the planning policies for the development of telecommunications. The aims of the PPS were to ensure that developments in telecommunications can be made to ensure a world class service, whilst minimising the environmental impact of new or replacement equipment. There are obvious economic advantages to a world class network, and also environmental benefits such as more remote access and less travelling required, which saves both energy, resources and emissions.

Under option 1, rural areas in Northern Ireland might be at a disadvantage relative to the rest of the UK (and urban areas in NI), since minor developments such as replacing and adding to existing apparatus, would require planning consent. Therefore there might be a time delay to upgrade apparatus in rural areas relative to the rest of the UK. This could affect decisions on where to locate in Northern Ireland (i.e. new entrants) and the jobs and economic activity this provides, especially when considering that currently, in some cases, an application can take months to



years depending on if an appeal is required. In all cases, applications have been successful, and therefore this delay even for minor alterations, can be argued to be overly burdensome for planning authority and companies.

Proposed changes would bring PD more in line with the rest of the UK and remove some of the distortions. The advantage of this approach is that it allows for more mast sharing, and for easier updating of apparatus, whilst still giving planning authority control over new masts and the potential level 2/3/4 impacts that might have on the landscape and the local environment. However, this restriction on new masts and the height restriction of extending existing masts are still more stringent compared to England and Wales.

Retail / Commercial

At present (option A – ‘Do nothing’) the retail and commerce sectors enjoy little in the way of PDR for modifications or extensions to buildings when compared to rights for housing or industry. This might reflect the fact that commercial and retail uses are often concentrated in town centres. Town centres are likely to be intensively developed. There is therefore potential for conflicting visual impacts between differing land uses close to each other.

There is the need to preserve the existing look of town centres. Therefore whilst this sector currently has the largest number of applications, it is recognised that greater extensions to existing PD would lead to level 2/3/4 impacts (i.e. beyond the building itself – see report). Therefore for measures being proposed for PD under options 2 and 3, the planning authority will retain control over shop-fronts and builds that may have a significant impact on the look of the local area. Based on consultation undertaken within the ‘report’, there were no substantial comments to the potential reform of the PDO for this sector.

Rural Areas

The agricultural sector in Northern Ireland is considered more economically significant relative to the rest of the UK, where agricultural sectors account for around 2.5% of GVA compared to 0.9% for the UK as a whole. The Northern Ireland GDO is already quite extensive in relation to agricultural development relative to other sectors being discussed within this RIA. The report highlights the Ulster Farmers Union’s view that much of the necessary regulations for farm diversity are already in place, and therefore no significant changes would be required.

Under options B and C it is proposed that PD be extended (under certain conditions and where appropriate) to allow for a greater number of areas to be dedicated to farm diversification and that PD include recreational equestrian use (except for example on ASSIs and SAIs). Measures to preserve rural areas in terms of; jobs, communities and economic activity through diversification of their activities might be a benefit to farmers and rural areas in general.

The Northern Ireland Road Service indicates that PD for diversification could significantly add to traffic movements on narrow rural roads, many of which are not suitable for such increases (e.g. due to width, gradient,



visibility). The report recommendations provided regarding diversification however are considered relatively modest and appropriately controlled by restrictive conditions.

Institutions, Community Facilities, Leisure & Recreation

At present (option A – ‘Do nothing’) PD for this sector is negligible especially when compared to PDR for industry. Proposed changes are likely to have significant benefits to schools, colleges, universities, hospitals and medical centres. Under Options B and C PD will be extended (particularly for universities and hospitals) which might indirectly improve the health and social wellbeing. This is because it will be possible to extend the floor sizes of these facilities without incurring the costs of applications (for given PD size restrictions). This might then make it possible to have more equipment on site. At the very least, there will be the avoided cost of applications, which can then be used for other purposes. Using similar arguments, the avoided costs might indirectly help improve community, cultural, educational, and social infrastructures at a range of facilities.

Utilities

The report suggests that PD rights for utilities are fairly extensive, with the GDO including any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus and includes rights to breaking open any land for that purpose. Most of the applications (~70%) relate to overhead electricity lines (of which all were successfully approved). Currently (option A) planning consent is required for overhead lines over 100 metres.

Under options B and C there are proposed recommendations that PD be extended for overhead lines up to 400 metres and therefore reduce applications concerning utilities by around 70%. PD rights have also been extended (subject to certain conditions/restrictions) for the erection of a building for the housing of essential equipment necessary for the function of the operational site in the delivery of the water and sewerage undertaker’s statutory duties’. These changes might indirectly benefit rural communities in terms of a fairer and reasonable delivery time, especially in more remote areas, although it is likely that utility companies already plan sufficiently ahead so that planning applications do not hinder upgrades.

Minerals

The number of planning application submitted by this sector is very low and therefore proposed recommendations are likely to have limited impacts. Under options B and C proposed recommendations could improve the overall efficiency of existing mineral sites through additional space being PD.

4.4 Society

Under proposed recommendations for Options B and C around 710 applicants per year will now be permitted development. In most cases (~91%) applications have received planning consent. It is unlikely that there will be a



reduction in environmental emissions (relative to the 'Do nothing' scenario – Option A) since most applications have been granted. There is unlikely to be any change in employment, again since most applications are granted in the current situation.



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5. Competition Assessment

The competition guidelines (August 2007)⁸ set out four questions to establish whether the proposed recommendations have a detrimental effect on competition and competitiveness. A brief summary of the four questions and a response considering proposals are presented below in Table 5.1.

Table 5.1 Competition Filter Questions

	Q1. Directly limit the number or range of suppliers?	Q2. Indirectly limit the range of suppliers?	Q3. Limit the ability of suppliers to compete?	Q4. Reduce suppliers' incentives to compete vigorously?
Industry and R&D	No	No	No	No
Waste Management	No	No	No	No
Telecommunications	No	No	No	No
Commercial/retail	No	No	No	No
Agricultural development	No	No	No	No
Institutions, Community Facilities, Leisure & Recreation	No	No	No	No
Utilities	No	No	No	No
Minerals	No	No	No	No

Proposed recommendations to extending PDR in Northern Ireland are not expected to have negative impacts on competition or competitiveness relative to the rest of the UK. In most cases, for all the sectors, recommendations should help businesses in Northern Ireland by removing planning distortions that might exist between NI and the rest of the UK.

⁸ http://www.ofc.gov.uk/shared_ofc/reports/comp_policy/ofc876.pdf



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6. Small Business Impact Test

As part of this RIA, no small businesses were consulted, as in general, proposed recommendations should improve time and costs to those who currently have to apply for planning consent for their proposed activity in question.

Cost to a Single Applicant

Under Option A ('do nothing') the applicant would continue to need to submit a planning application in order to get consent for their proposed activity. Under Options B and C, around 710 applications would now no longer require planning consent. Depending on whether they would want a certificate of lawful development, this is potentially a saving of approximately:

- £1,105 (with certificate) or £2,209 (without a certificate) for applications related to electric lines (utility sector);
- £2,335 (with certificate) or £4,670 (without a certificate) for applications concerning floor space > 1,000m² within the industry and R&D sector;
- £840 (with certificate) or £1,680 (without a certificate) for the remaining applications saved by proposed changes.

This is unlikely to represent a significant cost saving for most small firms but the time avoided waiting for decisions to be made, could be significant, in terms of making it easier to plan relevant activities previously reliant on the application being successful. This improvement in certainty might be important to small firms who are likely to have fewer resources at their disposal.

Planning Applicant Specialists

It is possible that fewer applicants that require planning consent will result in less time required for using planning application specialists, who may previously have been used to help prepare and develop the application. However this marginal loss in income could be offset by reallocating resources in other planning related services.



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7. Rural Proofing

A large proportion of Northern Ireland is made up of rural areas and communities. Therefore it is important to consider how the proposed options will specifically affect the rural community. As part of the development of proposals, work was undertaken to consider the effects on rural areas and communities within them. A rural proofing template can be found within the consultation document which is included alongside the report and this RIA.

The rural proofing template considers the proposed recommendations under options B and C in relation to 6 themes (as shown below). Generally, the results were shown to be either 'positive' or 'make no real change'. The main impacts are summarised below:

- **Service Provision** – The main functions of services are largely unaffected by proposed changes in the GDO. However, extensions to PD for utilities and telecommunications might benefit communications for rural areas especially if it is easier to upgrade and replace equipment in line with technology developments without requiring planning consent;
- **Mobility** - Making electricity service lines to individual consumers up to 400 metres in length PD will make it easier and quicker for people opting to live and work from more rural and remote areas to do so. The telecommunication PD extensions could also facilitate home working (and developments in the future) which is likely to be most beneficial for rural communities;
- **Economic Vibrancy** - Farmers diversifying their activities could help preserve employment within the local area especially diversification in recreational activities. Home working could also benefit rural communities if workers do not need to have to commute to urban areas. This may result in more demand for goods and services in the nearby rural area rather in urban areas;
- **Social Well Being** – Under Options B and C PD will be extended (particularly for universities and hospitals) which might indirectly improve the health and social wellbeing by improving facilities at these institutions. It also might indirectly help existing regional development strategies to improve community, cultural, educational, social and health infrastructures at a range of facilities. The proposed extensions to PD for farm diversification, recreational equestrian use and recreational and leisure facilities can have a positive impact on the provision of recreational services in rural localities. These proposed PD will also benefit people in rural areas rather than being focussed exclusively in urban areas;
- **Social Capital** – There are proposed extensions to PD for utilities for electricity service lines and water and sewerage services and for telecommunications for the addition of equipment and enhancement of existing masts. These may be beneficial to the provision of relevant services to rural communities;
- **Natural & Cultural Capital** – Proposed extensions in PD for mining sites might help with their operations with minimal impacts on the rural landscape. In most cases, PD has been removed for sensitive areas which should be beneficial for the preservation of rural landscapes and local



biodiversity in the area. PD for industrial expansions onto Brownfield sites should help preserve the natural landscape as less Greenfield sites might be used. In certain circumstances it has been proposed that there be certain PD in Areas of Outstanding Natural Beauty (AONB), but the impacts are expected to be negligible. The proposed extension to PD for farm diversification – sale of products produced on the farm and in the locality – may favour the use of traditional crafts, foods and recipes.



8. Equality Screening

An equality screening form can be found within the consultation document which is included alongside the ‘report’ and this RIA. The results of the screening analysis suggest that the policy is expected to have no adverse impacts to any of the Section 75 groups, as listed below:

- Religious belief;
- Political opinion;
- Racial group;
- Age;
- Marital status;
- Sexual orientation;
- Gender;
- Disability;
- Dependants.

Proposed changes (under both Options B and C) mean that more external works for disability access will be PD for all service providers. These were specifically listed in section 6.4 of the report under heading “Disability Access”.

Table 8.1 indicates that no significant impacts were identified with regards to factors such as; social need, people’s daily lives, human rights, strategic or financial significance. The policy is not considered to have any significant impacts on equality of opportunity and, based on these findings, a full equality impact assessment was not deemed necessary at this stage.



Table 8.1 Equality Screening - Impacts table

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need	-	-	Low
Effect on people's daily lives	-	-	Low
Effect on economic, social and human rights	-	-	Low
Strategic significance	-	-	Low
Financial significance	-	-	Low



Appendix A References

- Review of Non-Domestic Permitted Development Rights. Report for Northern Ireland Planning Service (Entec 2009);
- The Planning Service, Development Management Statistical Bulletin (April 2007- March 2008) <http://www.planningni.gov.uk/index/tools/about-stats-quartely2-0809.pdf>;
- Planning (Use Classes) Order (Northern Ireland) (2004) <http://www.opsi.gov.uk/sr/sr2004/20040458.htm>;
- Planning fees: http://www.planningni.gov.uk/index/advice/fees_forms/fees/fees_appendix_a.htm;
- Planning fees calculator: http://www.planviewer.planningni.gov.uk/bt_pandarusexternal/;
- Certificate of Lawful developments: http://www.planningni.gov.uk/index/advice/advice_leaflets/leaflet06/leaflet06_benefits.htm ;
- Certificate of Lawful developments fees: http://www.planningni.gov.uk/index/advice/fees_forms/fees/fees_lawful.htm;
- Completing competition assessments in Impact Assessments: Guideline for policy makers (August 2007) http://www.ofc.gov.uk/shared_ofc/reports/comp_policy/ofc876.pdf;
- (DARD) - A guide to rural proofing: considering the needs of rural areas and communities <http://www.dardni.gov.uk/rp-guide.pdf> .



DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas (**and a copy sent to the Equality Unit**) and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 – Policy to be Screened

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title	Review of Non-Householder Permitted Development Rights
Aims	<p>This policy is aimed at extending Permitted Development Rights (PDR) for minor non-contentious development which has minimal impacts upon neighbours, nearby surroundings and the environment.</p> <p>The objectives of these recommendations are to:</p> <ul style="list-style-type: none">• Reduce the volume of planning applications and the regulatory burden upon developers and the Planning Service associated with making and processing applications;• Disseminate information about what is permitted development (PD) in a more user friendly manner which through greater clarity could save resources of both the Planning Service and those proposing to build minor extensions.• Reduce costs to applicants (previously needing to apply for permission) – Making the PDR more favourable for those building works that have minimal impacts on neighbours and the environment, means that there are no longer the “nuisance barriers” and direct (fees) and indirect costs (e.g. time) associated with applications.

It is essential that **all** the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The policy will impact on the non-domestic sector and this can be broken down into 8 sectors:

- Industrial and Warehouse Development (including those businesses involved in Research and Development – R&D)
- Waste Management
- Telecommunications
- Retail and town centres
- Rural Areas
- Institutions, Community Facilities, Leisure & Recreation
- Utilities

- Minerals

It will also affect:

- The Public sector – including Government Departments, Statutory Agencies, NDPBs and local councils
- Society in general – This refers to impacts which the proposed changes to Permitted Development Rights might have on those nearby to the development as well as environmental and social issues.
- The proposed changes may also impact through a reduction in the need for planning applications, upon planning consultants and architects whose business involves the preparation and submission of planning applications on behalf of property owners and developers.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a) The Department of Environment is responsible for devising the policy and bringing forward changes to Permitted Development Rights to the NI Assembly.
- (b) The proposed changes will be implemented by District Councils when planning functions are transferred to them.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

There are indirect linkages to a number of other NI Departments where the nature of the development permitted is beneficial to industries / utilities aligned to Departmental responsibilities, e.g. Department of Agriculture and Rural Development (DARD) – development related to agriculture and the rural area; Department of Regional Development (DRD) – development by NI Water; Department of Enterprise, Trade and Industry (DETINI) – development by NIE, electronic communications code system operators and industry generally; Department for Employment and Learning (DEL) – development by universities and schools; Department of Culture and Arts and Leisure (DCAL) regarding PDR for Institutions, Community Facilities, Leisure & Recreation.

2.5 What data are available to facilitate the screening of this policy/legislation?

- Review of Non-Householder Permitted Development Rights Entec,

2009.

- Regulatory Impact Assessment for Review of Non-Householder Permitted Development Rights Entec, 2009.

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No additional data which is foreseen to be necessary to facilitate the screening process at this stage.

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch or Equality Unit.

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

Please give details

The research and policy assessment leading to the proposed extensions to PDR have not indicated any to be restrictive to any of the Section 75 groups. Certain proposals will assist property owners to comply with responsibilities under the Disability Discrimination Act and be beneficial to the disability group in terms of access to the built environment.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability	Yes	
Dependants		No

Please give details

The disability group has been recognised as having particular needs to facilitate access to the built environment. PDRs are proposed which will facilitate the installation of certain types of disability access to buildings without requiring prior planning consent. Therefore those with physical disabilities are likely to be more interested, and also benefit from the proposed recommendations.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

Please give details of any consultations carried out, and any problems identified.

As part of the development of the recommendations set out in the report “Review of Non-Householder Permitted Development Rights” (Entec, 2009) a widely consulted questionnaire was initially sent out and was followed up with 2 stakeholder workshops. The first workshop involved officials from Planning Service and a second workshop was held with several other key stakeholders.

There was general support from the Development Management Working Group regarding relaxing planning permission for disabled access arrangements subject to certain criteria.

A policy consultation on the proposed changes to permitted development rights and this screening document will be carried out before legislation is brought forward to the NI Assembly

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes

No

Please give details

The revised permitted development rights will apply equally to all persons.

3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

The policy review has not indicated any negative impacts on section 75 groups. Historically, the particular needs of the disabled group in relation to access to the built environment have been recognised in planning legislation (Article 26 of the Planning (NI) Order 1991 and Article 8 of the Planning Reform (NI) Order 2006 (when commenced)). The proposed PDRs to facilitate works to improve disabled access to buildings maintain this policy objective.

3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

The proposed PDRs relating to works to facilitate disabled access to buildings should promote better equality of opportunity for access to buildings.

3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

PDRs have been proposed which will facilitate the installation of certain types of disability access to buildings without requiring prior planning consent. Therefore those with physical disabilities are likely to benefit from the proposed recommendations.

Section 4

EQIA Recommendation

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			Low
Effect on people's daily lives.			Low
Effect on economic, social and human rights.			Low
Strategic significance			Low
Financial significance			Low

Please give details

The proposed extension of PDRs is not anticipated to have any detrimental effect on any of the Prioritisation categories detailed in the grid. The proposed changes to PDR are intended to provide a simpler and more efficient legislative framework for all.

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

No. No significant impacts or considerations have been identified in sections 3 and 4 and it is therefore considered not necessary to conduct a full EQIA. The proposed extension of PDRs and this screening will be subject to public consultation. If equality issues are identified from consultation the need for a full EQIA will be

reassessed.

- 4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.**

Not Applicable.

- 4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?**

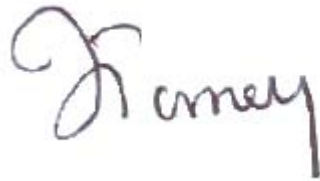
Please give details

Not Applicable.

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

A handwritten signature in dark ink, appearing to read "J. Conroy". The signature is written in a cursive style with a large initial "J" and a long, sweeping tail on the "y".

Signed:

Agency/Division: DOE Planning Service

Date: 21 September 2009

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

Rural				
	Assessment Of Impacts			Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	Quantitative (Detail Evidence)	
1. Service Provision				
<p>Centralised service outlets: rural people or businesses generally need to travel to an urban centre to use service outlets. How will the proposed rural beneficiaries of a policy have reasonable access to it? Does policy delivery depend upon outlets, which are sparse in many rural areas?</p>	Positive	<p>There are proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Utilities – electricity service lines and water and sewerage services; • Telecommunications - addition of equipment to and enhancement of existing masts; • Farm diversification – sale of products produced on the farm and in the locality, and storage and distribution uses. <p>These have the potential to indirectly enable providers to offer services – electricity, water and sewerage, electronic communications and retail - which are not dependent upon centralised outlets.</p>		<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
<p>Few information points: rural areas contain fewer (formal) places to obtain advice and information e.g. libraries, Citizens Advice Bureaux, public Internet points. If the policy’s successful delivery requires communication with clients, how will those in rural areas have ready access to information and advice?</p>	Positive	<p>There are proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Utilities – electricity service lines and water and sewerage services; • Telecommunications - addition of equipment to and enhancement of existing masts, <p>Which may lead to improvements in the communication network in rural areas, improved access to information and advice and improved means of providing that information and advice.</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>
<h3>2. Mobility</h3>			
<p>Greater travel needs: on average rural people and businesses travel further to reach jobs, facilities, clients and other opportunities. What will the policy effects be upon existing requirements to travel, or the</p>	Positive	<p>There are proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Telecommunications - addition of equipment to and enhancement of existing masts; • Farm diversification – sale of 	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
time, convenience and costs entailed for rural businesses or people (especially those on low incomes or without easy access to a car or public transport)?		<p>products produced on the farm and in the locality, and storage and distribution uses.</p> <p>Improvements in electronic communications have the potential to facilitate home-working and small businesses reliant on good communications. Farm diversification may offer additional employment opportunities in the rural area and thereby reduce the need to travel.</p>	<p>planning consent, there is no need to suggest alternative policies.</p>
<p>Higher service delivery costs: rural distances plus small and dispersed populations can make it more difficult and costly to provide services to rural clients. Does the unit cost of providing the service to rural clients limit the extent or quality of service provision? Are there alternative ways to reduce costs and increase provision?</p>	Positive	<p>There are proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Utilities – electricity service lines and water and sewerage services; • Telecommunications - addition of equipment to and enhancement of existing masts, <p>Which should make it less costly for providers of such services to</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		rural clients and improve the extent and quality of service provision.	
3. Economic Vibrancy			
Employment Opportunities: Will the policy affect the distribution of intended economic activity in different areas, or the level of access to employment or training opportunities, e.g. the distribution of public sector jobs and the relative accessibility of job skills training.	Positive	There are proposed extensions to PD for: <ul style="list-style-type: none"> • Telecommunications - addition of equipment to and enhancement of existing masts; • Farm diversification – sale of products produced on the farm and in the locality, and storage and distribution uses. Access to good communications can be essential to some forms of economic activity (e.g. online selling). This might be linked to farm diversification into storage and distribution uses. This together with other forms of farm diversification – farm sales - has the potential to offer employment	Since this is a positive impact, there is no need for mitigation measures. Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		opportunities and contribute to the rural economy.	
<p>Employment Flexibility: many households require part-time employment or employment with flexible hours to allow them to balance work and life needs (for example, in maintaining a small farm or balancing care arrangements). Will the policy help or hinder this sort of employment need or reduce the need for flexibility through, for example, encouraging better childcare provision?</p>	Positive	<p>The proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Telecommunications - addition of equipment to and enhancement of existing masts; • Farm diversification – sale of products produced on the farm and in the locality, and storage and distribution uses, <p>May encourage the development of small businesses. For small businesses, employing part-time workers or home working may be a way to keep costs down where full time cover is not required or where flexibility is desirable to respond to changes in demand and develop the business.</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>
<p>Small firm economy: more businesses are micro-businesses in rural areas (in particular</p>	Positive	<p>There are proposed extensions to PD for:</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
<p>agricultural) and there are few medium-sized or large firms. Will a policy or initiative target and be of benefit to, small (as well as larger) businesses?</p>		<ul style="list-style-type: none"> • Utilities – electricity service lines; • Telecommunications - addition of equipment to and enhancement of existing masts; • Farm diversification – sale of products produced on the farm and in the locality, and storage and distribution uses, <p>Which through cost savings in the provision of services, improved communications and small business development on the farm will be of benefit to small businesses.</p> <p>The proposed extension of PD rights in the industrial, research and development and storage uses, and for waste management will benefit both small and large businesses operating in the rural area.</p>	
			<p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
<p>Weak infrastructure: telecommunications infrastructures are generally less developed in rural areas, especially remoter areas. If a fast or high-capacity infrastructure (e.g. “broadband” telecommunications) will play a significant part in implementing the policy or initiative, how will it be delivered in rural areas?</p>	Positive	<p>There are proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Utilities – electricity service lines and water and sewerage services; • Telecommunications - addition of equipment to and enhancement of existing masts, <p>Which should be helpful in addressing weak infrastructure in rural areas.</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>
<p>Infrastructure innovations: often, new innovations in infrastructure or service provision are introduced into urban areas first. Can innovations also be tested in rural areas? Might rural areas provide a stronger test in the first instance? Are there plans to roll out new services or infrastructure to rural areas to minimise long periods of</p>	Positive	<p>The planning system is not a provider of infrastructure or services. However, the proposed extensions to PD for telecommunications - addition of equipment to and enhancement of existing masts – will make it easier to upgrade and replace old telecommunication infrastructure and roll out improvements to the rural area.</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
inequality?			
High Impact Infrastructure: could a fast or high capacity infrastructure requirement represent a significant impact on environmental or social assets in rural areas (e.g. the impact on social cohesion of increased mobility stemming from the upgrading of roads). Could it be modified to reduce these impacts whilst still delivering policy benefits?	None	Permitted development rights generally relate to minor non-contentious development and are unlikely to embrace infrastructure requirements. No impact is therefore anticipated in this category.	Since no impact is anticipated mitigation measures and alternative policies do not appear to be necessary.
4. Social Well Being			
Countryside amenity and access: the countryside provides important recreational opportunities and a place to get away from it all for people wherever they live. What will be the impact of the policy or initiative for people wishing to reach and use the countryside as a place for recreation and enjoyment?	Positive	There are proposed extensions to PD for: <ul style="list-style-type: none"> • Farm diversification – sale of products produced on the farm and in the locality; • Recreational equestrian use of land and associated development; • Leisure and community facilities; 	Since this is a positive impact, there is no need for mitigation measures. Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		<ul style="list-style-type: none"> • The use of land as a caravan site in certain circumstances. <p>It is anticipated that these will have a positive impact in relation to the provision of recreational opportunities and use of the countryside for recreation and enjoyment. Businesses which provide recreational/tourist facilities (and those that are dependent on these services – e.g. hotels, restaurants, etc) will also benefit from some extensions in their facilities being PD.</p>	
<p>Needs not concentrated: rural disadvantage and social exclusion does not exist in the types of concentrations found on urban housing estates or in inner city neighbourhoods. It is generally scattered and, in wealthier parts of the countryside, exists side by side with affluence. Will a policy,</p>	Positive	<p>The proposed extensions to PD for:</p> <ul style="list-style-type: none"> • Farm diversification – sale of products produced on the farm and in the locality; • Recreational equestrian use of land and associated development, <p>Are specifically targeted at the</p>	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
especially area-based initiatives, have provision for reaching people or households in the open countryside as well as more concentrated locations of disadvantage?		<p>agricultural sector and hence should reach people or households in the open countryside.</p> <p>The proposed extension to PD for leisure and community facilities should also be of benefit to people or households in the open countryside.</p>	
Different types of need: the mix of deprivation characteristics is somewhat different between rural and urban areas. Poor access to services (including health & social services), low local wages, limited job opportunities and a lack of affordable housing are key rural issues. What needs or deprivation indicators will be used to target an initiative: will they reflect both rural and urban concerns?	None	No impacts are anticipated from extensions of PD rights in this category.	Since there is no impact, there is no need for mitigation measures.
5. Social Capital			
Low institutional capacity:	None	No impacts are anticipated from	Since there is no impact, there is

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
private, public and voluntary sector bodies in rural areas tend to be smaller and often struggle to forge partnerships or submit bids, especially to tight timescales. If a policy or initiative depends upon local institutions, how will it allow for areas with low institutional capacity? How might it avoid a bias in favour of urban representation and influence if partnership formation is a key method for delivery or for subsequent mainstreaming of learning from pilot initiatives?		extensions of PD rights in this category.	
Social Capital and community cohesion: provision of services or design of village renewal, new or regeneration of housing estates can impact on sense of community and social capital. Will the policy contribute to strengthening or weakening social capital and hence, the	Positive	There are proposed extensions to PD for: <ul style="list-style-type: none"> • Utilities – electricity service lines and water and sewerage services; • Telecommunications - addition of equipment to and enhancement of existing masts, 	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
health and sustainability of rural communities?		which may be beneficial to the provision of relevant services to rural communities.	
6. Natural & Cultural Capital			
Land-based industries: land-based industries (e.g. agriculture, forestry, fishing and extraction / mining) have an important impact on the rural landscape, environment and biodiversity, and remain significant employers in certain rural areas (despite being a fairly small element of the overall rural economic base). Will a policy have any particular impacts on –land-based industries and, therefore, on rural economies and environments?	Positive	The proposed extensions to PD for: <ul style="list-style-type: none"> • Farm diversification – sale of products produced on the farm and in the locality; • Recreational equestrian use of land and associated development; • Development associated with mining operations, should be beneficial to relevant land based industries such as agriculture and extraction/ mining and have minimal impacts on rural landscape 	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.</p>
Landscape quality and character: our rural landscapes are highly valued for their beauty and distinctiveness and contribute significantly to our	Positive	The proposed extensions to PD rights have been arrived at on the basis of an impact based approach to development and use of land which includes consideration of	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win”</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
tourism potential. What will be the likely policy impact upon the quality and distinctive character of natural and built rural landscapes, especially (but not only) on protected landscapes and on biodiversity?		the anticipated impacts upon natural and built rural landscapes. In most cases, PD has been removed or modified in relation to sensitive areas and should be beneficial to the preservation of the rural landscape and tourism that is reliant upon the quality and distinctive character of natural and built rural landscapes.	for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies.
Local Craft and Food production: A key resource for the growth of many micro-businesses in rural areas is the use of traditional crafts, foods and recipes. Will the policy have an impact on the production of any of these, (e.g. regulations affecting food hygiene and production standards) and if so how might traditional approaches be accommodated?	Positive	The proposed extension to PD for farm diversification – sale of products produced on the farm and in the locality – may favour the use of traditional crafts, foods and recipes.	<p>Since this is a positive impact, there is no need for mitigation measures.</p> <p>Since this measure is “win, win” for both Planning Service and users previously affected by planning consent, there is no need to suggest alternative policies</p>

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>). For further information about this particular consultation please contact the consulting branch at:

Non-householder Permitted Development Consultation
Planning Service
3rd Floor
Millennium House
17-25 Great Victoria Street
Belfast BT2 7BN

List of Consultees

Action Renewables
Aerodrome Safety Regulation Group
20:20 Architects
Architectural Heritage Fund
Architecture and Planning Information Services – Queens University Belfast
Arcus Architects
ARQIVA
ASI Architects
Association of Consulting Engineers
Atlas Communications
B9 Energy Services Ltd
Bar Library
BB Planning & Design
BBC Engineering Information Department
Belfast City Airport
Belfast City Council Waste Management Service
Belfast Civic Trust
Belfast Harbour Commissioners
Belfast Healthy Cities
Belfast Hills Partnership
Belfast International Airport
Belfast Metropolitan College
Belfast Metropolitan Residents Group
Belfast Solicitors Association
Big Picture Developments
Brennen Associates
British Telecom (N.I.)
British Wind Energy Association
Bryson House
Building Design Partnership
Cable & Wireless
Camping and Caravan Club
Carbon Trust (NI)
Carvill Group Ltd
Chartered Institute of Architectural Technologists
Chartered Institute of Environmental Health
Chartered Institute of Housing
Chief Executive of the NI Judicial Appointments Commission
Citizens Advice
City of Derry Airport
Civil Aviation Authority
Civil Law Reform Division
Communities and Local Government
Coleraine Harbour Commissioners
Committee for the Administration of Justice
Community Places
Community Relations Council
Community Technical Aid
Confederation of British Industry
Construction Employers Federation
Construction Register Ltd
Coogan & Co

Council for Catholic Maintained Schools
Countryside Access & Activities Network for NI
Crown Castle UK Ltd
Derryhale Residents' Association
Development Planning Partnerships
Dickson Architectural Services
Disability Action
District Judge (Magistrates Court)
DM Kearney Design
Education and Library Boards
Energy Saving Trust NI
Enniskillen Aerodrome
Environment and Planning Law Association of NI
Equality Commission for NI
Executive Council of the Inn of Court of NI
Federation of Small Businesses
Ferguson & McIlveen
Fire Authority for Northern Ireland
Fleming McKernon Associates
Fleming Mounstephen Planning
Food Standards Agency NI
Forest of Belfast, C/o Parks and Amenities Section
Friends of the Earth
General Consumer Council for NI
Geological Survey of Northern Ireland
GT Design
Hawthorn Associates
Health and Social Services Boards and Trusts
Heat Pump Association
HM Council of County Court Judges
Human Rights Commission
Independent Health Coalition
Institute of Professional Legal Studies
Institute Of Directors Northern Ireland
Institute of Historic Building Conservation
Institution of Civil Engineers (NI Association)
International Tree Foundation
Invest Northern Ireland
Kenneth Crothers, Deane & Curry
Knox and Clayton
Lagan Valley Regional Park Officer
Laganside Courts
Landscape Institute NI
Larne Harbour Commissioners
Law Centre (NI)
Law Society of Northern Ireland
Londonderry Port & Harbour Commissioners
Lough Neagh and Lower Bann Management Committees
LPG Association
Marks and Spencer
McClelland Salter Estate Agents
McGurk Architects Ltd.
Ministry of Defence
MKA Planning
Mobile Operators Association

Mono Consultants Limited
Motorhome Association
Mourne Heritage Trust
Mournes Advisory Council
National Trust
NATS
Newtownards Aerodrome
NIC/ICTU
NI-CO
NICOD
NIUR
North West Architectural Association
Northern Builder
North Eastern Group Building Control
Northern Ireland 2000
Northern Ireland Agricultural Producers Association
Northern Ireland Amenity Council
Northern Ireland Association Engineering Employer's Federation
Northern Ireland Authority for Utility Regulation
Northern Ireland Blood Transfusion Service Agency
Northern Ireland Chamber of Commerce and Industry
Northern Ireland Chamber of Trade
Northern Ireland Conservative Associations
Northern Ireland Council for Integrated Education
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland District Councils – Chief Executives and Health Officers
Northern Ireland Economic Council
Northern Ireland Electricity Plc
Northern Ireland Environment Committee
Northern Ireland Environment Link
Northern Ireland Federation of Housing Associations
Northern Ireland Government Departments
Northern Ireland Health Promotion Agency
Northern Ireland Housing Council
Northern Ireland Housing Executive
Northern Ireland Law Commission
Northern Ireland Local Government Association
Northern Ireland Manufacturing
Northern Ireland Members of The House of Lords
Northern Ireland MP's, MEP's, Political Parties and MLA's
Northern Ireland Office
Northern Ireland Prison Service
Northern Ireland Public Service Alliance
Northern Ireland Quarry Owners Association
Northern Ireland Quarry Products Association
Northern Ireland Regional Medical Physics Agency
Northern Ireland Residents Coalition
Northern Ireland Tourist Board
Northern Ireland Water Limited
O2
OFCOM
OFREG
Orange
Orange PCS Limited

Ostick and Williams
Participation & the Practice of Rights Project
Participation Network NI
Phoenix Natural Gas Ltd
Planning Appeals Commission
Planning Magazine
Playboard N.I. Ltd
Policing Board Of Northern Ireland
Pragma Planning
Property Services Agency
Police Service of Northern Ireland
Quarryplan Limited
Queens University Belfast – Department of Civil Engineering
Queens University Belfast – Department of Environmental Planning
Renewables Ireland
Research and Information Services
RICS NI
Robert Turley Associates
Royal National Institute For Deaf (RNID)
Royal National Institute For The Blind
Royal Society for Protection of Birds
Royal Society of Ulster Architects
Royal Town Planning Institute
RPP Architects
RPS
RTPI Irish Branch (Northern Section)
Rural Community Network
Rural Development Council for Northern Ireland
School of Law
Scottish Parliament
South Eastern Regional College
Sports Northern Ireland
Statutory Advisory Council
Strangford Lough Advisory Council
Strangford Lough Management Committee
Sustrans
Three
T-Mobile
Todd Planning
Translink
Transport 2000
Tyrone Brick
Ulster Angling Federation
Ulster Architectural Heritage Society
Ulster Farmers' Union
Ulster Society for the Preservation of the Countryside
Ulster Wildlife Trust
University of Ulster, School of the Built Environment
URPA
UTV Engineering Information Department
Virgin Media
Vodafone Ltd
Warrenpoint Harbour Authority
WDR & RT Taggart
Wildfowl and Wetland Trust

William Ewart Properties Ltd
Woodland Trust
World Wildlife Fund (NI)

Plus notification of consultation provided to a number of other individuals and organisations
in response to specific requests