



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

Once you have completed this form please
return to

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

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

Or by e-mail to:
Planning.nonhouseholderpd@doeni.gov.uk

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



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

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

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

1. Name/Organisation

Organisation Name

Ulster Farmers' Union

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

[REDACTED]

Forename

[REDACTED]

2. Postal Address

[REDACTED]

Postcode:

[REDACTED]

Phone:

[REDACTED]

Email:

[REDACTED]

3. Are you responding:

As an individual

On behalf of a group / organisation

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

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other Please state:

Farming Lobby

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

Question 1

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

It is essential that improvements are made to the dissemination of the GDO. We suggest an up-to-date version of the order is made available for download from the planning service website. In addition, user friendly topic specific guidance, such as Agricultural and Rural, should be made available through Planning Service website and local council offices.

Question 2

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

Yes No

It is unclear as to what types of development this would apply to. If prior approval provisions would cover straightforward, non-contentious development that would normally require planning approval e.g. Agricultural shed just over 300m² or Agricultural development within 2years of previous agricultural permitted development. This could potentially help reduce the numbers of applications to planning service, which would be particularly effective post planning reform. However, it is essential that any system must be clearly communicated.

Question 3

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

Yes No

It is essential that all PD rights are consistently applied across NI.

Question 4

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

Yes No

PD rights should be consistently applied throughout NI. Considering PD rights relating to agriculture, it is essential that PD rights do not differ for a farm situated within a sensitive area than one situated outside a sensitive area. Farms within a sensitive area still have the same requirements and having to apply for planning permission would be overburcratic, unfair and a costly process.

Question 5

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

Yes No

PD rights should be consistently applied throughout NI.

Question 6

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

Yes No

Following Planning Reform, SPZ's could effectively target specific planning needs for an areas. This could also identify all associated services/infrastructure needs so that an entire development is effectively managed. This could be particularly relevant and effective to rural regeneration areas whereby LA Community Plans could highlight a specific community need or economic potential of the area and designate an area for this purpose under a simplified planning zone.

Question 7

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

Yes No

Question 8

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

Yes No

PD rights should be consistently applied throughout NI. Considering PD rights relating to agriculture, it is essential that PD rights do not differ for a farm situated within a sensitive area than one situated outside a sensitive area. Farms within a sensitive area still have the same requirements and having to apply for planning permission would be overburcratic, unfair and a costly process.

Question 9

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

Yes No

There has been an increase in the numbers of designated sites, which would mean that more straightforward applications would still have to through the process.

Question 10

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

Yes No

Question 11

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

Yes No

Question 12

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

Yes No

Question 13

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

Yes No

This may not be practical for agricultural cases. Farmers have to manage run-off from farms and permeable surfaces would not be practical.

Question 14

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

Yes No

Other legislation and government departments already legislate to protect and monitor water bodies so there is no need to duplicate through planning.

Question 15

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

Yes No

Question 16

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

Yes No

Question 17

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

Yes No

Question 18

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

Yes No

Question 19

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

Yes No

But we would also like to see provision for new facilities. Some farmers are diversifying into waste management e.g. taking local council green waste and composting it to spread on fields- this is a very sustainable method of dealing with green waste- planning must seek to promote this.

Question 20

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

Yes No

PD rights should be consistently applied throughout NI. Considering PD rights relating to agriculture, it is essential that PD rights do not differ for a farm situated within a sensitive area than one situated outside a sensitive area. Farms within a sensitive area still have the same requirements and having to apply for planning permission would be overburcratic, unfair and a costly process.

Question 21

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

Yes No

Question 22

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

Yes No

Question 23

Should:

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

Yes No

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

Yes No

Question 24

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

Yes No

Question 25

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

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

Yes No

Many farm diversification projects are offered grant funding on the proviso that, if needed, full planning permission is sought. A grant offer is usually only live for one year- if planning permission is not obtained within this timeframe, the funding offer is lost. This proposed change to legislation will benefit the rural economy, rural jobs and help farm diversification.

However, most existing agricultural buildings exceed 235m2 thus fall outside this policy. We feel change of use of an agricultural building should not be restricted in size for the uses mentioned in this consultation.

We would suggest the current GDO 300m2 development limit is increased to 600m2. This was temporarily the case until December 2008- to help farmers comply with the EU Nitrates Directive. This initiative was very successful and meant less agricultural applications had to go through planning which would have been an added expense and could have delayed the process,

We would also suggest that many infilling operations could be included within the GDO. This is a common farming practice whereby farmers will seek to level land for improved agricultural productivity. If certain criteria are met this could be covered under the GDO.

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

Yes No

Question 26

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

Yes No

Question 27

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

Yes No

PD rights should be consistently applied throughout NI. Considering PD rights relating to agriculture, it is essential that PD rights do not differ for a farm situated within a sensitive area than one situated outside a sensitive area. Farms within a sensitive area still have the same requirements and having to apply for planning permission would be overburcratic, unfair and a costly process.

Question 28

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

Yes No

Question 29

Should:

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

Yes No

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

Yes No

Question 30

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

Yes No

Question 31

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

Yes No

Question 32

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

Yes No

Question 33

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

Yes No

Question 34

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

Yes No

Question 35

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

Yes No

Question 36

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

Yes No

Question 37

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

Option A: "Do nothing" scenario

Option B: "All recommendations" scenario

Option C: "Phased all recommendations" scenario