



**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

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

Belfast Harbour Commissioners

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode:

BT1 3AL

Phone:

Email:

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:

Statutory Undertaker

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?

Consolidated into one updated document for ease of reference

Question 2

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

Yes No

N/A

Question 3

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

Yes No

Particularity Harbour Areas

Question 4

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

Yes No

Question 5

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

Yes No

This should be amended to allow specific extensions to PD rights on an individual basis

Question 6

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

Yes No

They should be encouraged and used in Harbour Areas

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

N/A

Question 8

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

Yes No

N/A

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

While BHC recognises the significance of each sensitive area as listed in the consultation paper individually, it does not see merit in this overly restrictive, blanket approach to protecting sensitive areas. BHC contends that the legislative provisions already in place such as the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 as amended, provide adequate protection to these sensitive areas.

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

N/A

Question 11

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

Yes No

N/A

Question 12

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

Yes No

N/A

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

N/A

Question 14

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

Yes No

N/A

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

BHC agrees with the principle of the extension of the Part 8. However, BHC would object to the proposed conditions which must be met for Permitted Development rights to be allowed. In particular:

Bullet Point 2: remove "if within 10m of a boundary maximum height of 5m"

Bullet Point 3: clarify the definition of "new building", is this an entirely new structure with no physical connection to the existing building?

Bullet Point 4: remove entirely

Bullet Point 6: "Not within 10m of a boundary of a residential property" should be removed as it is overly restrictive

Bullet Point 8: Should be removed, to restrictive.

Bullet Point 9: this is too vague and should be clarified

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

As per the answer to Q9, BHC contends that the individual legislative provisions which enacted and protect the sensitive areas individually should be the mechanism through which they are afforded protection, not via a blanket ban on PD rights in these sensitive areas.

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

BHC would welcome this new class.

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

N/A

Question 19

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

Yes No

Question 20

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

Yes No

In a consistent approach with Q9 and Q16, BHC contends that such an overly restrictive blanket approach should not be adopted for each of the sensitive areas. The protection afforded to these sensitive areas should be via existing legislative provisions.

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

N/A

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

N/A

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

N/A

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

Yes No

N/A

Question 24

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

Yes No

N/A

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

N/A

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

Yes No

N/A

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

N/A

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

N/A

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

N/A

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

N/A

Question 30

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

Yes No

N/A

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

While BHC welcomes the amendments to Class B of Part 13. However, we wish the first bullet point amendment to read:

" Class B (Docks, pier, harbour or water transport undertakings) to include PD rights for security fencing of up to 2.9m in height should be included."

The reason for this request is that Transec who are an implementation body of the Department for Transport require security fencing of 2.9m in height around port activities as per the International Shipping and Port Facility Security Code.

BHC would also like the addition of the following PD right within Class B of Part 13 :

"Dredgings - The use of any land by statutory undertakers in respect of dock, pier, harbour, water transport, canal or inland navigation undertakings for the spread of any dredged material."

The reason for this request is that the English equivalent of Part 13, namely Part 17 contains this PD right at their Class D and as a result BHC would like to be afforded the same PD right as other ports in England and Wales.

Question 32

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

Yes No

No, as per the answers to Q9, Q16, and Q20, BHC contends that this amendment to port related PD rights should not be made as the regulation and protection provided by such statutory provisions as the Planning (Environmental Impact Assessment) Regulations (NI) 1999 as amended, provide adequate protection for these sensitive areas. The blanket approach as suggested is not a suitable mechanism.

Question 33

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

Yes No

N/A

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

N/A

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

N/A

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

N/A

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

N/A