



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

Once you have completed this form please  
return to

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

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

Or by e-mail to:  
[Planning.nonhouseholderpd@doeni.gov.uk](mailto:Planning.nonhouseholderpd@doeni.gov.uk)

All responses should be submitted to the  
Department no later than 22<sup>nd</sup> January 2010



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



INVESTORS IN PEOPLE

## RESPONDENT INFORMATION

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

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

### 1. Name/Organisation

Organisation Name

Northern Ireland Environment link

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:

**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?

**NIEL believes the GDO could be made easier to understand and interpret through the replacement of legal jargon with user friendly and easy to understand terminology. Any amendments to the GDO need to be clearly explained and widely disseminated, as well as being made available online. We also believe that a consolidation of all relevant legislation would be a useful development. In line with NIEL's householder and microgeneration PD consultation responses, we believe guidance should be produced in relation to good environmental practice across a range of environmental and sustainability issues.**

**Question 2**

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

Yes  No

**Question 3**

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

Yes  No

**In light of current uncertainty around the implementation of the RPA and the exact nature of the powers being transferred to local authorities, NIEL believes that the introduction of LDOs would be an unnecessary complication.**

**Question 4**

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

Yes  No

**NIEL believes that if Article 4 directions provide the benefit of controlling permitted development in sensitive areas, these restrictive rights should be retained.**

**Question 5**

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

Yes  No

**Question 6**

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

Yes  No

**NIEL believes that guidance needs to be made available to developers in relation to good environmental and sustainable development practice, as well as the range of environmental legislation that needs to be adhered to.**

**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

**No Comment**

**Question 8**

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

Yes  No

**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

**In addition to ASSIs, the designated areas definition should include Ramsar sites, which are not underpinned by ASSIs, without this, it would be possible for some Internationally designated sites to be afforded lesser protection than nationally designated sites. Sites of Local Nature Conservation Importance (SLNCIs) which are designated in accordance with PPS 2: Planning & Nature Conservation, should also be considered for inclusion given that they are important sites of substantive biodiversity or geological value.**

**The amendments on PD rights we suggest in this consultation response should therefore apply to this extended list of designated sites.**

**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

**NIEL strongly supports the proposal that certain types of permitted development be restricted in flood plains. Failure to implement such a restriction on PDs in flood plains would seem to run contrary to the stated principle behind PPS 15 (Planning and Flood Risk).**

**Question 11**

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

Yes  No

While NIEL is supportive of the list of proposed conditions, it is important that consideration is also given to wider environmental and sustainability issues. The conditions imposed on PD on flood plains should also be in line with the principles behind the Water Framework Directive and the programme of measures contained within the local River Basin Management Plans in order to help achieve improved ecological status for our waterbodies.

**Question 12**

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

Yes  No

**Question 13**

Should PD rights for hardstandings over 5m<sup>2</sup> be required to be constructed of permeable (or porous) materials or require that provision is made to direct run-off water from the hardstanding to a permeable or porous area or surface?

Yes  No

**Question 14**

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

Yes  No

Please see Answer to Q11 above

**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

**NIEL is supportive of the proposed extension of PD Rights in this Sector and more specifically the requirement for porous hardstanding.**

**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 well as being supportive of the removal of PD rights from ASSIs, NIEL believes this removal of PD rights should be extended to all other designated wildlife sites.**

**Permitted development in flood plains however may not be compatible with WFD programme measures and associated legislation e.g. the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.**

**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

**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

**NIEL agrees with the proposals as listed, subject to the extension of the definition of sensitive sites to include Ramsar sites, SPAs, SACs, and SLNCIs.**

**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

**No Comment**

**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

**No Comment**

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

Yes  No

**No Comment**

**Question 24**

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

Yes  No

**No Comment**

**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

- 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

**Due to the potential risk of environmental damage and site disturbance, NIEL does not agree with the assumption that the production, storage and distribution of products is 'unlikely to have significant adverse impacts upon ASSIs and Sites of Archaeological Interest (SAIs)'. We would therefore advocate the removal of these PD rights within ASSIs and SAIs.**

**Question 27**

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

Yes  No

**Question 28**

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

Yes  No

**No Comment**

**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

**NIEL has no specific comment to make regarding these proposals other than to reiterate our support for the requirement for porous hardstanding and no development within floodplains.**

**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

**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

**No Comment**

**Question 32**

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

Yes  No

**NIEL supports the removal of these proposed PD rights within ASSIs and SAIs.**

**Question 33**

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

Yes  No

**Subject to the retention of removal of PD rights within ASSIs And SAIs.**

**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

**The conditions should include removal of PD rights within a buffer zone of ASSIs, or appropriate mitigating conditions, as some operations may result in waste flows that could affect ASSIs outside the mine, for example through waste water disposal into watercourses.**

**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

No Comment

**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

No Comment