

22nd January 2010.

Policy and Legislation Branch
3rd Floor
Millenium House
Great Victoria Street
Belfast
BT2 7BN

Sent by email to planning.nonhouseholderpd@doeni.gov.uk

Our Ref: 501.0031

Dear Sir/ Madam

**RE: IRISH SALT MINING & EXPLORATION CO LTD – RESPONSE TO
PLANNING NON- HOUSEHOLDER PD CONSULTATION PAPER**

SLR Consulting, act as Planning and Environmental advisors to Irish Salt Mining and Exploration Co Ltd (ISME).

ISME has operated an underground salt mine in Kilroot since 1965. The mine is located approximately 3 km northeast of Carrickfergus, Co. Antrim. It is one of only 3 rock salt producing mines in the UK

The mine produces in the region of 400,000 to 500,000 tonnes of crushed rock salt annually for the de-icing of roads during the winter period. The crushed rock salt products are supplied to the Department of Regional Development Roads Service in Northern Ireland, and to local authorities and motorway maintenance contractors in Scotland, England, Wales and the Republic of Ireland.

The salt mine is a key employer in County Antrim. ISME employs 54 full time employees at the salt mine in addition to a large number of individuals and companies who are employed in day-to-day and seasonable maintenance and support activities. Its annual contribution to the local and regional economy is approximately £7M.

Permitted development rights consultation

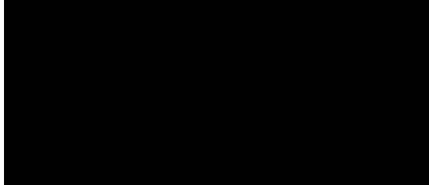
ISME welcomes the opportunity to make representations to the proposed recommended changes to permitted development rights in Northern Ireland. The company generally supports the further development of permitted development rights in Northern Ireland and welcomes the extension of Part 16 relating to mineral exploration and ancillary activities.



However, the company does express concern in relation to the proposed wording of conditions in the proposed changes and these are highlighted on the enclosed 'Response Form'.

We trust that the matters raised in the Response Form are clear however should you require any further information please do not hesitate to contact Tim Paul or myself.

Yours sincerely
SLR Consulting Ireland




Senior Planner

Enc Response Form.

cc. 



**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

Irish Salt Mining and Exploration Co Ltd (ISME)

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode:

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:

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?

No comment

Question 2

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

Yes No

No comment

Question 3

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

Yes No

No comment

Question 4

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

Yes No

No comment

Question 5

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

Yes No

No comment

Question 6

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

Yes No

No comment

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

No comment

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

No comment

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

No comment

Question 11

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

Yes No

No comment

Question 12

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

Yes No

No comment

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

No comment

Question 14

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

Yes No

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

Yes No

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

Question 33

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

Yes No

ISME strongly welcomes the introduction of a new Part relating to 'development ancillary to mining operations'.

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

ISME is concerned regarding the wording of 2 aspects of the proposed Order:

1. "All buildings, plant and machinery permitted by Class A shall be removed from the land unless the mineral planning authority have otherwise agreed in writing" should amended to

"All buildings, plant and machinery permitted by Class A shall be removed from the land within 24 months of cessation of mining unless otherwise agreed in writing between the mineral planning authority and the developer"

A fixed timescale is required to make this condition enforceable and to provide confidence to developers that enforcement action will not be taken for equipment which is in- situ for less than this time. The inclusion of "unless otherwise agreed in writing" will provide flexibility if circumstances exist why timescales should be extended or shortened.

2. In addition, ISME has concerns over the proposed reference to Class A and the new Class B (development required for the maintenance or safety of a mine) development not being permitted if it is deemed to "materially affect" the external appearance of the mine.

ISME considers that this condition is unreasonably restrictive and could lead to many innocuous 'permitted developments' being blocked due to a planning authority's interpretation of what constitutes "material affect". These steps would not be in the spirit of the guidance which is principally designed to support the development of minor buildings, plant and machinery without the need for planning permission.

ISME considers that the threshold for permitted development should be raised by re-wording this condition to:

"The proposed works would not have a detrimental visual impact on the external appearance of the mine..." .

This would be applicable to the relevant condition in Class A and Class B. ISME considers that the central issue should be whether the development will have a detrimental affect on external appearance and not a "material affect". Therefore, the company would support the re- wording of this Condition.

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, SAls and Conservation Areas? If not please comment

Yes No

No comment

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