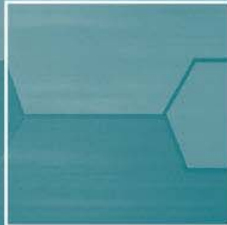


Department of the Environment Planning Service

Review of Non-Householder Permitted Development Rights

Appendices

September 2009



Entec

Creating the environment for business

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Contents

Appendix A	Stakeholder Responses
Appendix B	Sensitive Area Descriptions
Appendix C	Summary of PD rights in Surrounding Nations
Appendix D	Summary of National & Development Plan Policy
Appendix E	Part 32 Development for National Security Purposes (Class C)
Appendix F	England & Wales GPDO. Part 19 - Development Ancillary to Mining Operations



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Appendix A Stakeholder Responses



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The following tables set out of a summary of stakeholder responses received during the course of the non-householder Permitted Development Rights review. The views reported were gathered through a combination of written correspondence, email, telephone interviews and stakeholder workshops. Entec have endeavoured to ensure that the summaries given in these tables correctly reflect the views of stakeholders and as far as possible Entec has sought agreement from individual stakeholders on the wording of the summaries shown. The tables also provide a response from Entec which reflects the consideration of issues raised in the main report.



Table A1 Industry

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Northern Ireland Manufacturing (NIM)	The existing GDO is too complicated and cumbersome to be readily understood – the restrictions need to be simplified and the provisions relaxed to be more readily used.	Wider changes are proposed to the GDO to make it easier to access and understand including through the publication of GDO user guides for relevant topics. Entec also make several recommendations regarding specific conditions within Part 8 Class A1 of the GDO which are currently considered unclear. It is advised that the test of 'material effect on external appearance' is deleted, and replaced with a new provision which restricts development facing a highway or within 5m of a boundary, which could have Level 3 or 4 impacts
	The size restriction of 750 sq m needs to be increased to perhaps 1000 sq m or more given the greater size of modern manufacturing units.	Entec recommend restriction to be increased to 1000 sqm due to increased size of manufacturing units & economic benefits
	PD rights in industrial and commercial development should be relaxed in existing industrial estates or where land is zoned for industrial development. (As this land had been considered as part of the development plan).	Considered as an option in Entec assessment but discounted due to potential for level 2-4 impacts & increased workload for Planning Service (PS) associated with monitoring and enforcement
Construction Employers Federation (CEF)	The interface on the boundary of an industrial estate is important to protect, particularly where it interfaces with surrounding housing and existing restrictions in this regard should be retained.	No change proposed by Entec to relevant part of GDO. Entec recommend a change Class A1 part (h) to provide greater clarity..
	House builders should be able to benefit from the same degree of flexibility as that enjoyed by homeowners already in occupation.	Householder development is outside of the remit. No response needed.
	House builders should be able to substitute house types without having to submit further planning applications.	Householder development is outside of the remit. No response needed.
	House builders should be able to make relatively minor changes to new houses or house types including extensions and garages etc without the need for a new planning application.	Householder development is outside of the remit. No response needed.



Table A2 Waste Management

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Belfast City Council Waste Management Service	Finds the GDO satisfactory in relation to its own development of public conveniences, litter bin sites and small 'bring sites' for recyclable materials. Requests, therefore, that the current level of PD be maintained in relation to such developments.	General comment. No change required
	Requests that Permitted Development rights are not easily granted to any development with an associated increase in the generation of waste or which will compromise existing waste storage capacity or accessibility. Development should only be permitted on condition that adequate waste storage and access provision is maintained.	Entec recognise that ensuring that developments can be adequately serviced by waste collection/recycling services is important. In practice however Entec conclude that to come up with such a condition is difficult due to its site specific nature and therefore is not recommended. A more appropriate mechanism for achieving the same end result may be to impose appropriate conditions onto planning permissions when granted.
	Requests that a more suitable form of consent be provided to allow layout changes or other minor developments which are consistent with the operations on a waste management site (e.g. Household Waste Recycling Centre, Materials Recycling Facility or Composting Facility). – Could be similar in principle to LDOs.	. Entec recommend a new part regarding 'Waste Management Facilities', this permits a number of minor works on waste sites.
	Requests that changes be made in PD rights to allow any waste stream which is accepted on a waste management site to be segregated for recycling (acknowledges that the acceptance of additional waste streams onto the site, e.g. hazardous waste, should be excluded from this).	General comment. Entec's proposals don't restrict PD rights for different waste streams except in the case of storing waste to exclude hazardous waste..
Principal Planning Officer Development Management Working Group	Points out that development of waste management facilities is generally carried out in response to Central Government waste policy and legislation, and argues that the relevant planning policy and legislation should, therefore, enable rather than hinder the development.	New parts proposed grant extended PD rights for waste management facilities and landfill sites and thus enable development & support waste policy.
	Specialist was very reluctant towards the potential for extending PD rights for waste management issues due to the highly controversial nature of such schemes. Concern was expressed here that developments on waste sites were being carried out by operators without applying for planning permission.	Comment was taken into consideration. However options appraisal found extended rights to be preferred option.
Principal Planning Officer Development Management Working Group	Allowing change of use from B3 to Waste Management and back - likely to be an issue for adjacent uses relating to the food industry, life science type activities etc. due to possible contamination.	This change has not been recommended.
	Landfill sites: Allowing installation of leachate management infrastructure - there are significant amenity issues associated with these works particularly if there are dwellings in close proximity, and in Northern Ireland there often are.	Has potential to have significant adverse impacts in the form of amenity on rural populations. Entec also note that these applications are likely to form part of a larger application anyway and thus would have negligible impact in terms of application savings if granted PD rights. This change has not therefore been recommended



Table A2 (continued) Waste Management

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Principal Planning Officer Development Management Working Group	<p>The removal of waste management facilities from the Use Classes Order in 2004 and defining them as sui generis reflected the problems that they potentially and actually cause within established industrial areas and elsewhere.</p>	<p>General point noted however it is considered that there is scope for limited PD on existing waste management facilities and landfill provided it does not have a significant adverse impact.</p>
	<p>The number of current enforcement cases in the field of waste management is indicative of the issues that could arise in relation to PD rights.</p>	<p>General point noted however it is considered that there is scope for limited PD on existing waste management facilities and landfill provided it does not have a significant adverse impact.</p>
	<p>Some operators seek planning permission or seek confirmation that planning permission is not needed for works on existing sites (in that regard Planning Service is flexible/pragmatic and reasonable in terms of its dealings with these firms) - others carry out works without planning permission and are usually detected when the NIEA process/consultations highlight the issue.</p>	<p>General comment. No change suggested</p>
	<p>Leachate management systems will often form part of a larger package of development for which planning permission is sought. For example a planning application for a new landfill site will include proposals for, among other things, leachate management systems, gas collection and flaring systems etc.</p> <p>However on occasions, Planning Service will receive an application for a leachate management system, either because the old one isn't working or there never was one on site.</p>	<p>As above, this change is not recommended.</p>
	<p>While the number of applications for leachate management systems is not large, there can be that particular Northern Ireland issue, that there is always someone living close by in their house in the countryside - the planning application process allows the Planning Service to resolve these issues.</p>	<p>As above, this change is not recommended</p>
	<p>Leachate management does not come in a 'one size fits all' package, so it is difficult to generalise and provide a PD type standard.</p>	<p>General comment, referring to comments on leachate management above.</p>
	<p><u>Subsequent Response</u></p> <p>A change of use application to establish a waste management facility on the Seagoe industrial estate in Craigavon drew objection from the occupier of the adjoining site who just happened to be Almac Holdings, a major player in the pharmaceutical / life science field. The application was refused as the presence of such an incompatible activity adjoining an existing pharmaceutical facility was unacceptable in planning terms. The prospect that this application might be successful caused consternation in other departments and in political circles.</p> <p>Within the same period an application to extend an existing waste facility on the Campsie industrial estate in Derry has generated significant objection from an adjacent site occupied by Perfecseal, another firm in the life science field. This application has not yet been determined. The company have threatened to relocate 250 jobs to England if planning permission is granted. This is a matter of some concern within other government departments and political circles.</p>	<p>As above, removed from recommended option.</p>



Table A2 (continued) Waste Management

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	<p>Another planning application to establish a waste management facility on the Woodside industrial estate in Ballymena has run into similar opposition, this time from the food processing sector. The application has been recommended for approval. Ballymena Council deferred consideration of the matter in order that a meeting is held to discuss the matter further.</p> <p>The number of applications of this nature, involving change of use to a waste management facility, in any given year is likely to be very small. It therefore calls into question whether there is any benefit to Planning Service in pursuing a proposal that is guaranteed, in the current climate and given the experiences of the last 18 months to generate significant opposition from industry, other government departments and politicians.</p> <p>The suggestion that "waste facilities are now subject to stringent environmental regulations..." is not one that would necessarily be greeted with universal agreement in the Northern Ireland context. There is still a significant amount of unauthorised / unregulated waste management activity going on. Introducing relaxations to the regulations of this type, however limited, is not likely to improve the situation. In my experience it will simply generate further work for Planning Service particularly in the field of planning enforcement.</p>	



Table A3 Telecommunications

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
National Grid Wireless	Scope to reintroduce some PD rights within Part 17 of the GDO to encourage the sharing of existing electronic communications installations.	A number of minor changes are proposed to GDO that will encourage mast & apparatus sharing.
	Certain forms of PD rights could require prior notification (not prior approval) to planning service e.g. where installing new antennas – refer to Scottish GPDO (Part 20) requirements	Entec recommend an ‘appropriate notice’ procedure as used in part 32 of the GDO.
	English and Scottish GPDO rights have different approaches to rooftop PDR. NI, PDR could follow either of those i.e. limitation on number/height/size of apparatus or number of antenna systems	English system is considered as an option in options for change section but is subsequently not recommended..
	Replacement of existing apparatus on an existing mast	Change recommended, as limited material impact given replacement will be ‘like for like’.
	Altering or adding apparatus to an existing mast	PD right is recommended in order to facilitate above objective of encouraging mast/apparatus change.
	Addition of new apparatus on an existing mast – under 25m subject to horizontal and vertical tolerances	PD right is recommended in order to facilitate above objective of encouraging mast/apparatus change, up to 10% increase in original permitted height of mast.
	Modest extension of a large mast e.g. 10% height increase to a mast over 25m	PD right is recommended to facilitate mast/apparatus sharing & provide economic benefits, through the growth of the telecommunications sector
	Small ground based ‘cabinets’	These are already permitted in the GDO up to floorspace of 1.5 sq m. Entec conclude that this PD right is presently set at a suitable level as otherwise level 3 impacts may occur.
	GDO does not provide for installations in the event of a significant public emergency / incident, or where an installation has fallen either through incident or deliberate	Entec recommend the same provisions for public emergencies or incidents are provided in Part 17 as Part 32.
	Prior Approval system in England is not particularly liked, especially by LPAs and community, suggests move away from Prior Approval	None of the changes proposed by Entec include prior approval.
Part 17 is not just limited to mobile phone operators – there are 150 code system operators which could normally benefit from PDR. NI places itself at a competitive disadvantage without other parts of the UK. New code operator will go to England or Scotland rather than NI.	GDO to be reformed to allow all code system operators Part 17 rights.	
Mobile Operators Association	PD rights extended to include certain low visual impact telecommunications development.	PD rights allowing for minor alterations, extensions & replacement are proposed.
	Some form of notification procedure similar to Scotland could be introduced to ensure that the planning authority remain aware of all telecommunications development.	Entec recommend an ‘appropriate notice’ procedure as used in part 32 of the GDO.



Table A3 (continued) Telecommunications

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	PD rights for telecoms should be more limited in designated areas	Entec agree in the form of any PDRs for new masts. However the PDRs proposed relate to modest changes to existing masts which are considered to have their negligible environmental impact and are therefore to be permitted in designated areas as well.
Views of Divisional Development Managers	The group were reluctant to visit any extension to PD rights for telecommunications. However they did feel that mast sharing may be worth considering, subject to a maximum height threshold and a maximum number of dishes on the mast.	A number of minor changes are proposed to GDO that will encourage mast & apparatus sharing.



Table A4 Rural Areas

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Ulsters Farmers Union (UFU)	The existing powers for large buildings, IPCC, proximity etc are sufficient controls.	General comment. No change suggested
	Change of Use Regulations are already in place, hence agricultural use is already satisfactorily ring fenced.	Entec agree. However permitted change of use to equestrian & related agricultural uses are proposed to facilitate rural regeneration.
	Proximity thresholds are not acceptable in relation to distance from roads.	No consensus that this was an issue. Any change could have level 3 impacts and therefore it is recommended thresholds stay the same.
	ASSI's (and related legislation) are already controlled by other agencies.	General comment. Planning Service is required to consider impacts on ASSIs through the planning system.
	PD rights should be extended to 600 sq m for all agricultural buildings	Option assessment considers possible change. Potential level 4 impacts if such rights were permitted. Entec therefore don't recommend this change .
	PD Guide would be useful and would like to be involved.	Entec recommend publication of a user guide.
Department of Agriculture and Rural Development (DARD)	The DARD has no objection with regard to proximity thresholds as farm buildings adjacent to roadways could have health and safety concerns and often can be unsightly.	General comment. No change necessary or proposed.
	It is viewed as important that the dumping of waste remains a tightly controlled issue; however the GDO should allow flexibility for the disposal of soil/rubble (subject to conditions) within a farm unit. The importation of waste should continue to require permission.	Entec agree that such operations should continue to require planning permission.
	The GDO does not reflect the need / desire to screen new buildings which are exposed in the landscape without appropriate tree cover. This could be reflected in the mentioned User Guide.	Entec propose User guide and recommend this is incorporated.
Department of Agriculture and Rural Development (DARD) - Rivers Agency	DARD have noted that ideally permitted development for basements would be removed in flood risk zones but that this may be inconsistent with Roads Service policy.	Comment noted and recommended.
Planning Services Department	PD rights extended to allow erection of new farm shop at farm sales as oppose to applying for change of use.	Reference provided by PS suggests this to be PD anyway, providing it remains ancillary to main agricultural use. Entec propose this is made PD anyway to provide clarity in GDO.
	Caravans	
Mr Colin Doyle (member of public)	States that under the Caravan Sites and Control of Development Act 1960 (England), landowners with licences granted by local authority do not need planning permission to accommodate up to 5 vans at any one time – Would like this to be considered in NI.	Entec recommend PD rights in NI are brought into line with the rest of the UK.
Mr B Quinn (member of the public- re Motor Homes)	Motor-homes are independent of the caravan industry and rights to use sites and facilities should be more freely available.	Entec propose changes to bring Part 5, Class A into line with England & Wales. Wider changes to provide for motor homes are outside the scope of this review.



Table A4 (continued) Rural Areas (continued)

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	Landowners such as farmers or agencies such as the National Trust should be able to set aside sites for motor-home use.	The proposed change is outside the scope of this review.
	Majority of Local Council by-laws deny rights to motor-homes in council car parks.	The proposed change is outside the scope of this review.
	Legislation, Planning and Bye-Laws need to be amended	Entec propose changes to bring Part 5, Class A into line with England & Wales. Wider changes to provide for motor homes are outside the scope of this review.
	DOE needs to allow road signage (which was passed by the Head Office in 2006) for motor home touring. Many local Doe offices are unaware of the Road Signage	The proposed change is outside the scope of this review.
	More local government awareness needs to be raised to recognise the benefits of allowing motor home touring	The proposed change is outside the scope of this review.
	Unlike other European nations, when motor tourists arrive in NI they have no stop over parking day/night rest areas.	Entec propose changes to bring Part 5, Class A into line with England & Wales. Wider changes to provide for motor homes are outside the scope of this review.
Transportation & Engineering Policy Unit	Proximity thresholds are detailed in the Roads Order (NI) 1993, and the Roads (Amendment) (Northern Ireland) Order 2004. These were introduced to protect the structure of the road and there are no plans to alter this legislation.	General comment, taken into account in appraisal of options. No changes to thresholds are recommended.
	Under Options 1 and 2 Permitted Development Rights are granted to storage and distribution, recreational/equestrian use and an increase in floor area to 600m ² (Option 1 only). Although there is a limit of 120 sq m for a building footprint, there is no limit on the amount of storage and/or display space allowed. There could be extensive areas of display for farm machinery or gardening equipment e.g. garden furniture/ornaments, and which could attract significant numbers of visitors.	Comment noted. Recommendation has been amended to refer to land or buildings in order to control outside storage and/or display.
	If options 1 or 2 are accepted, and PD rights granted, it could result in the creation of a new access or the intensification of use of an access on to a protected route which would be contrary to PPS3 Access Movement and Parking. In addition if Options 1 and 2 are accepted, there is potential for a significant increase in traffic movements on narrow rural roads (some as narrow as 3.0m) many of which will not be adequate for such increases, resulting in a significant increase in Roads Service maintenance expenditure.	Noted and taken into account in appraisal of options, however Part 6, Class C does grant access PD rights.



Table A4 (continued) Rural Areas (continued)

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	<p>Planning Service has a long established policy of restricting access onto strategic roads ("Protected Routes") that facilitate the efficient movement of traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports. The extension of permitted development rights will lead to increased traffic accessing onto Protected Routes and this will exacerbate the problem. It is important that a new access, or the intensified use of an existing access onto Protected Routes, does not compromise their function of facilitating the free and safe movement of traffic and does not significantly add to congestion, or impact on road safety. As road safety is a key priority for Roads Service any policy that increases risk is a concern.</p>	<p>Noted and taken into account in appraisal of options.</p>
	<p>The Protected Routes network has been progressively improved over the years. Roads Service has a programme to upgrade stretches of single carriageway to dual carriageway over the next ten years. Any additional accesses or intensification approved along single carriageway Protected Routes now, will have a detrimental impact on future dual carriageways.</p>	<p>Noted and taken into account in appraisal of options.</p>
	<p>Many existing accesses are substandard and do not meet minimum safety requirements set out in PPS3 for sight visibility. Permitted development is outside the remit of the planning application process, so no assessment or improvement will be carried out to access arrangements. Without improvements the intensified use of an access onto a rural road represents a safety risk to road users.</p>	<p>Noted and taken into account in appraisal of options.</p>
	<p>Permitted development 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 generation of any additional HGV vehicle movements would be of particular concern. Permitted development as proposed will impact on road safety. As road safety is a key priority for Roads Service any policy that increases risk is unacceptable.</p>	<p>Noted and taken into account in appraisal of options.</p>



Table A5 Institutions and Airports

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Belfast City Airport	The GDO is slightly vague in some instances leading to differences in interpretation. With regards to PD rights on larger applications at airports it was felt that each case should be assessed on its own merit.	General comment. Covered in cross cutting themes General comment. No change required
NI Prison Service	Generally satisfied with the amendments made a few years ago.	General comment. No change required
Department of Education	Enabling PD rights for education and library boards' minor works would be of great benefit, especially in relation to portacabins and minor operational works.	New parts in the GDO are proposed offering PD rights for institutions up to 100 or 50 sq m.
Western Education and Library board	Development which could be covered by PD includes: <ul style="list-style-type: none"> • Steel storage units to supplement gym equipment storage; • Temporary mobile classrooms; • Security fencing; • Small extensions – e.g. Within 10% of existing floorplan. PD rights would reduce red tape PD rights should not be allowed in an AONB.	New part in the GDO is proposed offering PD rights for institutions up to 100 or 50 sq m. This covers all suggested changes except security fencing that may have level 2/3 impacts and is therefore excluded & temporary classrooms that are excluded for their potential to lead to increases in pupil numbers. General comment. Entec proposes extended PD rights Entec propose limited PD rights that will be regulated suitably with conditions to ensure they can be copied over into national parks.
Department of Health, Social Services and Public Safety	Hospitals would benefit from the rights available to English hospitals. Where the cumulative total floor space of an extension to any particular building could be erected up to a maximum of 10% of the floor area of the original building Where the cumulative cubic capacity of an extension to any particular building could be erected that would not exceed 1000 cubic meters Where any part of an extension to a particular building would not be within 20 metres of a boundary of the site Where any part of an extension to any particular building any materials used shall be of a similar appearance to those used on the original building.	New part in the GDO is proposed similar to English system. This offers PD rights for hospitals up to 100 sq m. New part in the GDO is proposed offering PD rights for institutions up to 100 or 50 sq m Volume measures on extensions/new build are to be removed. However under the new part extensions for institutions are permitted up to a floorspace of 50/100 sq m. A 5m boundary condition is proposed thus enabling more development than called for. Condition is attached to new part providing that materials are appropriate
South Eastern Regional College	The PD is fair	General comment. No change required however, new part in the GDO is proposed offering PD rights for institutions.
Belfast International Airport LTD	No PD rights to areas around an airfield as each application has to be looked at on its own merits	Comment noted. Entec are not proposing changes to this part of the GDO.
Civil Aviation Authority	No PD rights in safeguarding areas	Comment noted. Entec are not proposing changes to this part of the GDO.



Table A5 (continued) Institutions and Airports

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Member of Public (x2)	Opposed to permitted development to allow temporary use of a race circuit for motor sport	Entec consider that current PD rights represent an appropriate balance between controlling impacts and allowing such developments. However Entec does recognise that proposed changes to part 4 relating to units of ownership and clarification that Part 4 does not allow the creation of a permanent means of access are beneficial.



Table A6 Utilities

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
<p>Northern Ireland Electricity (NIE)</p>	<p>Northern Ireland Electricity (NIE) commented that extending PD rights to 200m would have little effect as the vast majority of overhead power line work at NIE is for distances between 200m and 400m. Their reported current cycle time for their applications is 126 days for determination, of which 99% are approved. They advised that in Scotland permission for electricity connection is incorporated with planning permission for houses.</p> <p>The planning process, typically 17 weeks, has a very significant impact on the overall delivery time to provide an electricity connection for rural dwellings. This in turn leads to a high degree of frustration with customers as a result of the overall job cycle times.</p> <p>NIE argued that if legislation was brought into line with the rest of the UK then ultimately the customer will be provided with a better service in terms of delivery time and cost. Further the planning process and the right for refusal is still robust because the overhead line planning permission will be part of the housing approval process and people have the right to object to the overhead line route etc. at that stage. NIE therefore recommend that consideration be given to bringing NI legislation into line with that of the rest of the UK for the following reasons:</p> <ul style="list-style-type: none"> • Provide NI customers with a fair and reasonable delivery time to obtain an electricity supply in rural locations. <p>This was said to provide a win-win for both the planning service and customers in Northern Ireland. The vast majority of planning applications for rural overhead services are approved. By classifying single user electricity lines as permitted development, this would assist the Planning Service in their drive for efficiency and reduced cycle times. Meanwhile customers in Northern Ireland requiring a rural electricity connection would only need to go through the planning process once for the actual dwelling rather than the current situation where a planning application is required for the dwelling and a separate application made for the overhead service to provide an electricity supply.</p> <ul style="list-style-type: none"> • The Planning Approval Process remains robust <p>Rural electricity supplies requiring planning permission are typically more expensive due to the distance from existing electricity infrastructure and NIE argue the additional planning fee of £660 compounds the issue. NIE therefore conclude that the present process needs changing as a refusal is very rare, the cycle times for a decision are increasing and the costs are significant (have increased from £180 to £660 over the last three years).</p>	<p>Entec have assessed options for PD rights regarding overhead lines up to 400m in length or of any length. Entec recommend PD rights for masts up to 400m in length as this will cover the majority of applications but PS retains control over aesthetic impacts over long distances. This change will apply in AONBs, National Parks but not in ASSIs or SAIs.</p> <p>In Special Countryside Areas PD rights will be restricted to 100 m in length.</p>
<p>Northern Ireland Water</p>	<p>There is currently no mechanism to clearly determine whether permission for significant water mains (generally assumed to be greater than 5km) are PD. May be possible to ensure that a Certificate of Lawful Development is applied for in instances where the water main is greater than 5km in length. There are other legislative requirements e.g. an Environmental Impact Assessment and Statement may be required however these would continue to be outside of the planning requirements.</p>	<p>If a pipeline is more than 5km long an EIA may be required as set out in DCAN 10 Annex A. If such a proposal is determined as an EIA development then PD rights are removed and a planning application is therefore required. However if an EIA is not required then PD rights remain for underground water mains as in Class H. If an EIA is not required it is concluded that a pipeline of over 5Km will not have significant adverse environmental impacts and therefore Entec propose the present system provides an appropriate level of protection.</p>



Table A6 (continued) Utilities

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	<p>Class H, Paragraph (b) – There should be clarity on the application of PD rights to water distribution and trunk mains and may include additional wording in the clause.. ‘...supply and distribution of water or for...’</p>	<p>Entec recommend as this will improve the GDO’s readability.</p>
	<p>Class H, Paragraph (f) – Additional wording to include ‘control kiosks’ should be added. ‘...a water distribution system of a booster station, valve house, control kiosk, meter or switch gear house...’ NIW consider maximum dimension of 1m x 2m x 1.8m may be appropriate.</p>	<p>Entec agree with this recommendation.</p>
	<p>Under Class H, Paragraph (h) PD rights are given within existing operational lands indicating that works can be extended within certain parameters, however, there is not the flexibility to build a new house for control panel, blowers etc. This seems odd with the fact that a series of large tanks possibly up to 15m high could be built. Therefore, consideration should be given to PD rights for buildings for protection of essential apparatus to be constructed on operational land.</p>	<p>This is recommended with a proposed threshold of 30 sq m in light of NIW’s subsequent response.</p>
	<p>Class H, Paragraph (h) – Additional wording is required to include buildings that will be permitted for the housing and protection of apparatus essential to the operation of the works on operational lands. ‘...other development in, on over or under operational land other than provision of a building but including the extension or alteration of a building or a building for the purposes of the housing and protection of apparatus essential to the operation of the works.’</p>	
	<p>Subsequent Response</p>	<p>As above, recommended.</p>
	<p>NIW’s rationale for seeking the change in the PD rights is to facilitate the housing of equipment, control panels, blowers, electrical distribution panels etc. for the extensions to the works as required is to fulfil NIW’s statutory obligations in the provision of water and sewerage services. Cover is required to protect equipment (which generally has an electrical element) from the elements and to allow maintenance in a safe working environment and offer a further level of protection to trespassers who may break into the site through the boundary as most sites are unmanned.</p>	
	<p>30m2 would be appropriate as a minimum but it is suggested there could be a system of proportionality to the size and function of the existing site.</p>	
	<p>Operational sites vary in both the number and individual plan area of component elements, e.g. a wastewater treatment site serving a town will have a number of tanks and usually existing buildings,</p>	
	<ul style="list-style-type: none"> • 3 or 4 primary tanks up to 12m in diameter and could be 3m above ground; • Secondary stage treatment units comprising a combined unit 25 - 40m by 40 - 50m and these could be 4 - 5 m high; • 3 or 4 final tanks up to 10m in diameter and 3m above ground; • Control and equipment buildings possible with a floor area circa 100m2; and • Other incidental but critical structures on the site. 	



Table A6 (continued) Utilities

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	<p>NIW may be seeking to upgrade the works and need modifications with the potential addition of another say 2 tanks of similar dimension or a 25% extension of a unit or..., however any additional building requirements would require full planning if it could not be included as an extension to an existing building, therefore this considered at odds to the concept of the PD already in place.</p> <p>Of the many operational sites NIW has, many have above ground visual assets of some description. Many have operational buildings in addition to the structures, these currently house control equipment, panels, motors, dosing equipment, telemetry equipment, instrumentation etc. At the small works end of the scale NIW has a number of below ground assets (septic tanks serving a small number of houses), and there is little above ground of a visual nature, in these instances upgrading and replacement would invariably be a similar product generally without a requirement for a building. In these instances it may be appropriate to have an exclusion of PD rights for any form of modest building.</p> <p>NIW generally try to screen their works and make them as visually unobtrusive as is reasonable. Overall NIW consider there is no requirement to impose further conditions such as removing PD within a certain distance of the boundary of a site or close to a public highway.</p> <p>Under Class H – Requirement for a new paragraph for water and sewerage undertakers waste water and storm water collection systems <i>‘development not above ground level required in connection with the waste water and storm water collection systems including the installation of a pumping station, valve house, meter or switch-gear house’</i></p> <p>Under Class H – Requirement for a new paragraph for water and sewerage undertakers communication equipment <i>‘Replacement of existing communications apparatus and addition of new communications apparatus on an existing mast with tolerance of 1m in the horizontal plane and 2m in the vertical plane. A 10% extension to an existing mast height is permissible. Additional communications antennas permitted on ground based and roof mounted masts but not exceed 5m in height’</i></p> <p>Prior Notification/Approval – System should be transparent that directs water and sewerage undertaker in the application for a Certificate of Lawful Development demonstrating works are PD under PGD Order.</p>	<p>The sewerage system and extensions to it are permitted under Class H (a).</p> <p>Entec recommend that the proposals made in Part 17 are also adopted for this part of the GDO.</p> <p>Entec are not proposing any form of prior approval system as set out in Section 4 of the Report.</p>



Table A6 (continued) Utilities

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
	<p>Suggested that a mechanism could apply to developments demonstrating PD characteristics as outlined in PGD Order, the prior notification and approval system could comprise of:</p> <ul style="list-style-type: none"> • Requirement for plans to be submitted with technical justification demonstrating alignment with constraints in PGD Order; • An allowance of 28 days for determination with no extension of time or ability to seek further details; • No third party consultation; • A default of approval (deemed consent) if no decision within 28 days of timescale; • A right of appeal by the applicant; • Issue of CLD on approval. 	<p>Entec are not proposing any form of prior approval system. Entec consider that the rights proposed present an appropriate balance between development which is unlikely to have impact and that which potentially does, and hence would require a planning application.</p>



Table A7 Minerals

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Quarry Products Association Northern Ireland (QPANI)	<p>Suggested a list of processes and structures that should constitute PD:</p> <ul style="list-style-type: none"> • Replacement equipment that does not change impact; • Additional equipment that does not change impact (e.g. additional bitumen tank required for specification purposes); • Any measure that is a requirement of statutory bodies including compliance measures for Aggregates Levy Credit Scheme (ALCS)*; • Any measure that reduces environmental impact and improves health and safety; • Improvements to welfare facilities; • An extension that does not increase the structure by more than 15%; • Minor works – wheel washes, covers for conveyors, creation of hardstanding etc; • Any other development in the quarry that can not be seen from the surrounding roads (washing plant of a quarry floor or workshop facilities). 	<p>Entec propose new Part to allow for replacement of equipment.</p> <p>Entec propose new Part to allow for such additional equipment.</p> <p>A number of PD rights for statutory undertakers are proposed in the proposed part – ‘Development Ancillary to Mining Operations’.</p> <p>A number of PD rights for statutory undertakers are proposed in the proposed part – ‘Development Ancillary to Mining Operations’. With regard to measures needed for health and safety Entec note that the equivalent Class C in England operates with a prior approval process. No prior approval process is proposed in this review . Entec do not have enough information to consider whether an equivalent to Class C could operate without prior approval in Northern Ireland and therefore it is suggested that the department consider this issue further.</p> <p>Entec propose new Part that will allow for such development.</p> <p>Entec recommend a new part that provides for such an extension.</p> <p>Entec recommend a new part that provides for such minor works.</p> <p>Entec recommend a new part that provides for such development subject to limits.</p>

***Aggregates Levy Credit Scheme – Northern Ireland**

A UK-wide Levy was introduced on the commercial exploitation of aggregates in recognition of the environmental damage caused by their extraction. In Northern Ireland a voluntary Aggregates Levy Credit Scheme (ALCS) was created whereby aggregate operators can avail of an 80% reduction in the Levy. On joining the ALCS operators sign a legal agreement to comply with all regulatory requirements and to carry out environmental improvements identified by the DOE, following periodic review. On joining the Scheme operators receive a Code of Practice and Audit Protocol which identifies the type of environmental requirements needed to remain within the Scheme. Regular audits are carried out by Planning and Environmental Policy Group of DOE to assess compliance with the Scheme.



Table A8 **Divisional Development Managers**

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Divisional Londonderry	Office Needs to be simplified and agents made more aware of what is PD and what is not. Scope to increase PD rights with regard to Electricity Lines and Industry PD rights could be extended from 100m to 400-500m (excluding AONBs)	Entec agree a GDO user guide would aid public understanding of document. Entec have assessed options for PD rights regarding overhead lines up to 400m in length or of any length. Entec recommend PD rights for masts up to 400m in length as this will cover the majority of applications but PS retains control over aesthetic impacts over long distances. This change will apply in AONBs, National Parks but not in ASSIs or SAIs. In Special Countryside Areas PD rights will be restricted to 100 m in length. Entec have assessed options for PD rights regarding overhead lines up to 400m in length or of any length. Entec recommend PD rights for masts up to 400m in length as this will cover the majority of applications but PS retains control over aesthetic impacts over long distances. This change will apply in AONBs, National Parks but not in ASSIs or SAIs. In Special Countryside Areas PD rights will be restricted to 100 m in length.
Divisional Belfast and Ballymena	Office PD rights should be increased for garages and householder extension volumes	Householder development is outside of the remit. No response needed.
Dawnpatrick Divisional Office	Generally the GDO is too complex and is not easy to use	A number of clarification and definition points are made in Entec's Report.
Omagh Office	Divisional Scope to increase PD rights for rural house extensions on free standing sites subject to appropriate design.	Householder development is outside of the remit. No response needed.



Table A9 Sensitive Areas

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
RSPB Northern Ireland	Not aware of major problems with existing PD rights, but states that monitoring and enforcement must be ensured	General comment. No change required



Table A10 General

Stakeholder	Suggested changes to PDRs from Stakeholders	Entec Response
Southern Group Environmental Health Committee	Any development falling outside of the planning permission system should not result in significant adverse environmental impacts.	New part in the GDO is proposed offering PD rights for institutions up to 100 or 50 sq m. Subject to conditions that should restrain adverse environmental impacts.

Further to the stakeholder responses, the following table sets out a list of organisations consulted as part of the development of the report:



Table A11 Organisations who attended stakeholder workshop on 9th December 2008

Name	Organisation
Agnes Peacocke	Historic Buildings Council
Alan Whiteside	Belfast International Airport
Chris Osborne	Ulster Farmers Union
Gregg Shannon	Ulster Farmers Union
Bryan Gray	NI Manufacturing
Keith Miller	Department of Health and Social Services and Public Safety Health Estates
Jim Bailie	NI Prison Service
Laverne Bell	Quarry Products Association NI
Marcus Campbell	Belfast City Council Waste Management
John Davidson	Planning & Environmental Policy Group (PEPG)
Philip McGowan	Planning & Environmental Policy Group (PEPG)
Kenny Donaghey	Planning Service (Derry Streamlining)
Keith Finegan	NI - DoE Conservation Designations and Protection
Brian Quinn	The Motorhome Association
Kenneth Rankin	Rural Development Council
Peter Hayne	Arqiva Services (formerly National Grid Wireless)
Colin Montgomery	Queens University
Billy McCabe	Planning HQ Minerals Unit
Nigel Crawford	Northern Ireland Electricity
Eric Bann	NI Environment Agency
Helen Kirk	National Trust
Brian Carlin	
Judith Johnston	



Table A12 Organisations consulted in development of report

Organisations

Government Organisations

Northern Ireland Planning Service	Northern Ireland Local Government Association
Northern Ireland Ombudsman	Statutory Advisory Council Secretariat
Department of Enterprise, Trade and Investment	Newtownabbey Borough Council
Department of Education and Learning	Civil Aviation Authority
Ministry of Defence	Planning Appeals Commission
Northern Ireland 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	Strabane District Council
Department of Environment (Northern Ireland)	Department of Culture, Arts & Leisure
Department for Employment and Learning	Department of Finance and Personnel
Transportation & Engineering Policy Unit	Eastern Health and Social Services Board



Table A12 (continued) Organisations consulted in development of report

Organisations

Government Organisations

Northern Ireland Planning and Water Appeals Commissions	Devolution and Legislation Division
Northern Health & Social Services Board	Northern Ireland Prison Service
Equality Commission Northern Ireland	Western Education and Library board
North Eastern Education and Library Board	Belfast Education and Library board
Southern Education and Library board	South Eastern Education and Library board

Other Organisations

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
Northern Ireland Manufacturing	Department of Health Social Services Protection
Belfast City Airport	Northern Ireland Electricity
Quarry Products Association Northern Ireland	Marks and Spencer
Northern Ireland Water	Northern Ireland Environment Link
Belfast Solicitors Association	Woodland Trust
Arqiva Services	World Wildlife Fund
Ulster Wildlife Trust	University of Ulster
Queens University Belfast	Cafre
Ulster Engineering Ltd	Phoenix Gas
Northern Ireland Chamber of Commerce, Health and Social Services	Boards and Health Estates Agency
Wildfowl and Wetland Trust	Belfast Civic Trust
Construction Employers Federation	Ulster Architectural Heritage Society
Sports Council Northern Ireland	Northern Ireland Electricity
The Motorhome Association	Ulster Society for Preservation of Countryside



Table A12 (continued) Organisations consulted in development of report

Organisations

Other Organisations

Historic Monuments Council	Royal Society for the Protection of Birds
Invest Northern Ireland	Northern Ireland Environment Link
South Eastern Regional College	Southern Group Environmental Health Committee
Royal Institution of Chartered Surveyors in Northern Ireland	Royal Society of Ulster Architects
Royal Town Planning Institute 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
Rural Development Council for Northern Ireland	



Appendix B Sensitive Area Descriptions



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Creating the environment for business



B1.1 European and Internationally Protected Nature Conservation Sites

Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are sites of European importance for nature conservation. The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 and its amendments - also known as the Habitats Regulations - have the effect of proscribing the commencement of development granted by the GDO which is likely to significantly affect a European site or European offshore marine site either alone or in combination with other plans or projects. If the Department of the Environment (the Department) determines that development allowed under the GDO is likely to have a significant effect on a European site or European offshore marine site, an appropriate assessment must be carried out before approval can be granted. Development must not commence until the Department has given its approval in writing that it may do so.

Although the Habitats Regulations apply only to classified SPAs, and SACs, as a matter of policy the Government wishes development proposals affecting all possible European sites to be considered in the same way, i.e. as if they had already been designated, therefore the proscription to commencing development granted by the GDO also applies to those sites currently being considered for SPA and SAC status. The Government has also chosen to apply the same considerations to sites listed under the Ramsar Convention.

In summary, this means that where a developer is proposing to undertake a permitted development in or near to a declared or proposed SAC, SPA, Ramsar or European offshore marine site, development must not commence until written approval has been received from the Department.

Although the regulations in effect mean that written approval from the Department must be obtained and that the Department will in most cases require as much detailed information from the developer as may be required by a planning application, the regulations do not actually remove permitted development rights but instead operate a system similar to prior approval (Chapter 6), the main difference being there is no deemed approval after a set time.

In addition to the protection offered to SACs, SPAs and Ramsar sites under the Habitats Regulations, the sites are also generally underpinned by Areas of Special Scientific Interest designation and will therefore, in most cases, benefit from the protection offered to these sites as well.

B1.2 World Heritage Sites

World Heritage Sites are designated under the World Heritage Convention 1975 (ratified by the UK in 1984) which seeks to protect cultural and natural heritage. The Giant's Causeway and Causeway Coast site is the only World Heritage Site in Northern Ireland and was inscribed as a World Heritage Site by UNESCO in 1986. The site is of outstanding universal value and meets two of the criteria set out in the World Heritage Convention, namely it:



- Is an outstanding example representing major stages of the earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features; and
- Contains superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance.

The site is also afforded protection by its location within an Area of Outstanding Natural Beauty.

B1.3 Areas of Outstanding Natural Beauty

An Area of Outstanding Natural Beauty (AONB) is an area so designated by the Department¹ because they have a landscape of distinctive character and special scenic value. Such landscapes should be preserved and enhanced while public access and enjoyment should be provided for and promoted. There are 9 AONBs in Northern Ireland, including the Causeway Coast, Ring of Gullion and Antrim Coast and Glens. AONBs tend to cover large areas (i.e. at the landscape scale) when compared to some other sensitive areas, such as Conservation Areas.

Within some AONBs there are Special Countryside Areas, contained with development plans where specific policies are in place to protect the unique character of the area. In addition a number of AONBs have had a design guide produced which sets out specific design principles and focuses on local styles and layouts. There is potential that the relaxation of permitted development rights in such areas could compromise the objectives of these policies and documents.

B1.4 Special Countryside Area

Special Countryside Areas are likely to be within AONBs. Such areas are designated under development plan policy.

Draft PPS21 Sustainable Development in the Countryside refers to Special Countryside Areas (SCAs) as follows:

In addition there are some areas of the countryside with exceptional landscapes, such as the High Mournes, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances.

Based upon the Countryside Assessment, these areas will be identified and designated as Special Countryside Areas in development plans and local policies brought forward to protect their unique qualities.

¹ Under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985



Such policy will protect unique landscapes and no development will be acceptable unless it complies with the specific policy provisions of the relevant plan. The existing GDO contains no reference to SCAs.

B1.5 National Parks

There are currently no National Parks designated in Northern Ireland, however the Department has the ability to declare one should it choose to do so in the future. A National Park is an extensive area of countryside where the Department considers it desirable that measures be taken for the purposes of (a) conserving or enhancing the natural beauty or amenities of that area; (b) conserving wildlife, historic objects or natural phenomena therein; (c) promoting the enjoyment by the public of the area; and (d) providing or maintaining public access to the area.

B1.6 Areas of Special Scientific Interest

An Area of Special Scientific Interest (ASSI) is an area of land protected due to its nature conservation or geological value. ASSIs are the major statutory mechanism for protecting sites of nature conservation importance in Northern Ireland and generally provide the underpinning protection measure for the designation of European protected nature conservation sites.

B1.7 Sites of Archaeological Interest

Sites of Archaeological Interest (SAIs) are sites which have been scheduled for protection under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 or a site that is on the Department's Sites and Monuments Record for its archaeological value.

B1.8 Conservation Areas

A Conservation Area is an area designated for its special architectural or historic interest in order to preserve or enhance its character and appearance. There are 59 Conservation Areas in Northern Ireland ranging in scale from city and town centres to villages and relatively small residential parks and streets.

B1.9 Listed Buildings

Listed Buildings are those placed on the statutory lists of buildings of 'special architectural or historic interest' in accordance with the Article 42 of the Planning (Northern Ireland) Order 1991. Listed Building Consent protects Listed Buildings from unauthorised works but it is not always required within the building curtilage and is not required outside the curtilage. There is therefore a risk that uncontrolled permitted development could adversely impact the setting of Listed Buildings.



B1.10 National Nature Reserves and Local Nature Reserves

National Nature Reserves (NNRs) and Local Nature Reserves (LNRs) are reserves protected and managed for nature conservation and people, generally by local authorities or the statutory nature conservation agency (i.e. in Northern Ireland, the Northern Ireland Environment Agency of the Department).

B1.11 Local Sites and Designations

There are a number of different types of local sites and designations identified in Development Plans which are of local importance for their historical, cultural, landscape or wildlife importance, including Areas of Townscape or Village Character, Local Landscape Policy Areas and Sites of Local Nature Conservation Importance.



Appendix C Summary of PD rights in Surrounding Nations



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Creating the environment for business



The following sections set out Entec's understanding of the permitted development rights which exist in other parts of the UK and the Republic of Ireland. This information has been derived from both primary and secondary sources, including relevant legislation, the Non Householder Minor Development Consents Review for England and Wales 2008 – White Young Green and the Planning Service Policy Papers provided to Entec. The descriptions below are our best understanding of the provisions relating to permitted/exempted development based on these sources of information. Due to resources and time available we have in some cases relied on secondary sources of information and not referred directly to the relevant legislative provisions.



C1. Industry & Research & Development

C1.1 England and Wales GPDO (1995)²

The 1995 GPDO that covers both England and Wales provides certain PD rights with respect to industry. These are reported in the White Young Green Report – ‘Non Householder Minor Development Consents Review’³. Similarly to Northern Ireland extensions or alterations to buildings are permitted however up to a slightly larger floorspace of 1,000m². This right is subject to similar conditions although unlike in Northern Ireland floorspace is permitted up to 500m² in sensitive areas (e.g. a National Park, an AONB, a conservation area). Further, similar PD rights exist for plants, cables, pipes, roads or railways and hard surfaces as in Northern Ireland. However an extra class does exist in England and Wales for the deposit of waste resulting from an industrial process.

C1.2 GPDO (Scotland) (1992)⁴

Part 8 of the Scottish GPDO breaks industry into the same four classes as the GPDO for England and Wales and grants the same PD rights. However here the 1,000m² threshold applies to sensitive areas as well.

C1.3 Republic of Ireland Exempted Development⁵

The Republic of Ireland Exempted Development exempts plants, cables, pipes, roads or railways and hard surfaces from the normal planning application process. However unlike in the UK, there are no PD rights for the extension or alteration of an industrial building or a warehouse. A new right does exist in the Republic of Ireland permitting the storage of industry related goods within the curtilage of an industrial building.

² OPSI (1995) General Permitted Development Order 1995 http://www.opsi.gov.uk/si/si1995/Uksi_19950418_en_1.htm Accessed 31/10/08

³ White Young Green (2008) *Non Householder Minor Development Consents Review June 2008*

⁴ General Permitted Development (Scotland) Order 1992 www.opsi.gov.uk/si/si1992/Uksi_19920223_en_5.htm#sdiv1 Accessed 05/11/08

⁵ Schedule 2 Part 1 Exempted Development - General



C2. Waste Management

C2.1 England and Wales GPDO (1995)

The GPDO that covers both England and Wales permits the deposit of waste where it was produced in connection with other land use activity and within the land in question. This includes on agricultural units, industrial development and mining operations. However these are not strictly waste management PD rights, as they are ancillary to the main use of the land and purely relate to its disposal.

C2.2 General Permitted Development (Scotland) Order 1992

Similarly to the England and Wales GPDO the Scottish GPDO pays no specific reference to waste management, however similarly to the England and Wales GPDO it does refer to the deposit of waste as in the England and Wales GPDO.

C2.3 Republic of Ireland Exempted Development

Similarly to the above the Republic of Ireland Exempted Development document draws little reference to waste aside from permitting the disposal of waste arising from the industrial process.



C3. Telecommunications

C3.1 England and Wales GPDO 1995

The England and Wales GPDO contains similar PD classes to the Northern Ireland GDO. The key Parts 24 and 25 of the England and Wales GPDO relate to the same as parts 17 and 18 of the Northern Ireland GDO in ‘Development by Telecommunications Code System Operators’ and ‘Other Telecommunications Development’ respectively. Unlike in Northern Ireland however Part 24 of the GPDO permits masts and antennas up to 15m above ground level on top of the rights granted in the GDO. Rights are limited on Article 1(5) land. Part 25 of the GPDO rules out the construction of a microwave antenna on Article 1 (5) land when over 15 m in height. There are also parts covering telecoms development by statutory and other undertakers and aviation development as in the Northern Ireland GDO.

C3.2 General Permitted Development (Scotland) Order 1992

The Scottish GPDO grants the same basic PD rights as the English and Welsh GPDO. The main differences between telecommunication PD rights in Northern Ireland, Scotland, England and the amendments that affect Wales are summarised in the Planning Service’s analysis following the 2003 Review of PD rights below:

There are extensive differences between the 4 sets of PD rights including:

- *In England, Code System Operators still benefit from extensive permitted development rights including the erection or alteration of ground based masts;*
- *Under the English system many aspects of permitted development are subject to the requirement to seek the prior approval of the local planning authority, as was the case in Northern Ireland prior to June 2002;*
- *In England, operators are able to undertake many works under the Licence Notification regime without the need for prior approval or planning permission;*
- *In Scotland, operators are able to undertake a limited range of work under Part 20 permitted development rights but these rights do not extend to the erection of a new ground based mast;*
- *In Scotland and Wales (and in Northern Ireland Part 32, Class C) all development involving the construction of one or more antennas is required to be accompanied by a declaration that that installation is designed to be in full compliance with the requirements of the International Commission on Non Ionizing Radiation Protection (ICNIRP);*
- *In Scotland (and in Northern Ireland Part 32, Class C), there is no prior approval process but in cases involving the construction of one or more antennas or of equipment housing, there is a requirement*



for operators to give written notice to the planning authority of its intention to carry out such development no fewer than twenty eight days before the development is due to commence; and

- *The term “telecommunication” was replaced by the term “electronic communication” by the Communications Act 2003 (c.21), the Scottish and English provisions have been updated to include the new term but the NI and Welsh provisions are yet to be updated’ (Paragraph 3.5, Part 17).*

The use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus (b).

C3.3 Republic of Ireland Exempted Development

The Republic of Ireland’s Exempted Development provisions exempts numerous forms of telecommunications development from the regular planning process, including for non-householder development:

- The construction or erection by a licensed person, of a cabinet as part of a wired broadcast relay service, the volume of which shall not exceed 1m;
- The erection on or within the curtilage of a business premises, of a dish type antenna used for the receiving and transmitting of signals from satellites. This should include no more than 1 antenna on or within the curtilage of a premises; its location on the premises and the antenna is of no more than 2m in diameter; and
- Finally Class 31 permits the carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of the rights outlined in Table C1.

Table C1 Summarised Class 31 of Republic of Ireland Exempted Development

Exempted Development	Conditions
Underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment)	Poles carrying overhead lines shall not exceed 10 metres in height. Poles carrying other equipment shall not exceed 10 metres in height and 0.6 metres in diameter.
Overhead telecommunications	As in above row
Telephone kiosks or other telephone facilities in a public place not being on, over or along a public road	No such kiosk or facility shall be situated within 10 metres of the curtilage of any house, unless consented by owner.
Equipment for transmitting or receiving signals from satellites in space	No such equipment shall exceed 10 m in height or diameter of 2 m. No such equipment shall be situated within 10 m of the curtilage of any house save with owners consent.



Table C1 (continued) Summarised Class 31 of Republic of Ireland Exempted Development

Exempted Development	Conditions
Permanent telecommunications exchange and radio station containers	<p>Equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls.</p> <p>No such container shall exceed 10 m in length, 3 m in width or 3 m in height. No such container shall be situated within 10 m of the curtilage of a house save with the owners consent.</p>
Cabinets forming part of a telecommunications system	Volume above ground level shall not exceed 2 cubic metres
Transportable radio installation	The height of the structure shall not exceed 15 m in height and 2 m and must be temporary for no more than 12 weeks.
The attachment of additional antennae to an existing antenna support structure	<p>The total number of such antennae shall not exceed 12, of which not more than 8 shall be dish type. The dimensions of any such antenna provided shall not exceed:</p> <ul style="list-style-type: none"> - In the case of any panel type antenna, 1.5 m in length x 0.4 m in width x 0.15 m in depth; - In the case of any co-linear type antenna, 5 m in length x 0.1 m in diameter, and - In the case of any dish type antenna (whether shielded or not), 1.8 m in diameter. - The height of the existing structure (including any antenna thereon) shall not be exceeded.
Antennae for high capacity transmission links by way of attachment to existing high capacity antennae support structures	<ul style="list-style-type: none"> - The addition shall be of the dish type antennae used for the sole purpose of point to point communication. - The additional antennae shall not exceed the number provided for in the existing design capacity of the support structure. - No new member shall be added to the structure save by way of brackets or other fixing systems used for the attachment of the additional antennae. - The maximum diameter of any added antenna shall not exceed the width of the support structure.

Further antenna development under Class 31 in the Republic of Ireland is again subject to ICNIRP controls and notification procedures.



C4. Commercial & Retail

In Northern Ireland, England & Wales, Scotland and the Republic of Ireland permitted development rights for ‘minor operations’ or ‘sundry minor operations’ (in Scotland & the Republic of Ireland) are very similar. Table C2 compares the rights across the nations.

In Northern Ireland, England & Wales and Scotland ‘development by district councils’ grant very similar PD rights. District councils all enjoy rights relating to street furniture including lamp standards, information kiosks, seats and bins.

In England and Wales as in Northern Ireland there are also permitted developments for CCTV cameras. The rights are very similar. However in Scotland and the Republic of Ireland there are no permitted development rights for CCTV cameras.

Permitted development regarding ‘change of use’ in the GDO is similar to England and Wales. However the make up of the Use Class Order does differ throughout the UK and the Republic of Ireland. In England the sale of food and drink is included in the Class A Use, with A3 use including restaurants and cafes, A4 use incorporating drinking establishments, and A5 use comprising hot food takeaways. In Wales A3 use combines England’s A3, A4 & A5 Classes. Whilst in Northern Ireland, restaurants, cafes, drinking establishments and takeaways do not fall within a use class. There are no significant differences between the Part 3 (Change of Use) PD rights throughout the nations, however Northern Ireland does have the most permissive of the rights. This is set out in Table B2 that provides a summarised direct comparison of the change of use rights. As indicated in the table there are greater rights than elsewhere, for instance the conversion of mixed use to single use is permitted in Northern Ireland but not elsewhere. Scotland and the Republic of Ireland have fewer PD rights with regard to change of use.

Table C2 Comparison of Commercial/Retail PD Rights throughout the UK & the Republic of Ireland

Northern Ireland	England & Wales	Scotland	Republic of Ireland
<p>Part 12 - Development by District Councils</p> <p>Erection or construction and the maintenance of any building, works or equipment up to 4 metres or 200 cubic metres.</p>	<p>Part 12 - Development by District Councils</p> <p>Erect or alter small ancillary buildings, up to 4 metres or 200 cubic metres.</p>	<p>Part 12 - Development by District Councils</p> <p>Erect or maintain small buildings, works or equipment up to 4 metres or 200 cubic metres.</p>	<p>None included</p>
<p>Part 2 - Minor Operations</p> <p>The erection, construction, maintenance, improvement or alteration of a gate fence or wall. Subject to restrictions on location & height.</p>	<p>Part 2 - Minor Operations</p> <p>The erection, construction, maintenance, improvement or alteration of a gate fence or wall. Subject to restrictions on location & height.</p>	<p>Part 2 - Sundry Operations</p> <p>The erection, construction, maintenance, improvement or alteration of a gate fence or wall. Subject to restrictions on location & height.</p>	<p>Sundry Operations</p> <p>The erection, construction, maintenance, improvement or alteration of a gate fence or wall. Subject to restrictions on height.</p>



Table C2 (continued) Comparison of Commercial/Retail PD Rights throughout the UK & the Republic of Ireland

Northern Ireland	England & Wales	Scotland	Republic of Ireland
<p>Part 21</p> <p>The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes. Subject to conditions on size, number & location.</p> <p>Part 3 - Change of Use</p> <p><u>Class A</u> Change of use to: A1 (Shops), A2 (Financial, professional or other services) From: A betting office, sale of food or drink or takeaway</p> <p><u>Class B</u> B3 (General industry) to B2 (Light industry) B4 (storage and distribution) to B2 B2 & B3 to B4 - No more than 235m²</p> <p><u>Class C</u> A2 with a display window to A1</p> <p><u>Class D</u> C3 & C2 to C1</p> <p><u>Class E</u> A1 to mixed use with single flat A2 to mixed use with single flat A2 with a display window to A1 mixed use with single flat</p> <p>Class F A1 mixed use with single flat to A1 A2 mixed use with single flat to A2 A2 with a display window, Mixed use with single flat to A1</p>	<p>Part 33</p> <p>The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes. Subject to conditions on size, number & location.</p> <p>Part 3 - Change of Use</p> <p><u>Class A</u> Change of use to: A1 (Shops) From: A3 (Food & Drink), sale & display of motor vehicles</p> <p><u>Class B</u> B2 (General industry), B8 (Storage and distribution) to B1 (Business) B1 & B2 to B8 - No more than 235m²</p> <p><u>Class C</u> A3 to A2 (Financial, professional or other services)</p> <p><u>Class D</u> A2 with a display window to A1</p> <p><u>Class E</u> Development consisting of a change of the use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted</p> <p>Class F A1 to mixed use with single flat A2 to mixed use with single flat A2 with a display window to A1 mixed use with single flat</p>	<p>None included</p> <p>Part 3 - Change of Use</p> <p><u>Class 10</u> Change of use to: Class 1 (Shops) From: Class 2 (Financial & professional services) Class 3 (Food & drink or sale & display of motor vehicles)</p> <p><u>Class 11</u> Class 3 to Class 2</p> <p><u>Class 12</u> Class 5 (General industry), Class 11 (Storage or distribution) to Class 4 (Business)</p> <p><u>Class 13</u> Class 4, Class 5 to Class 11 - No more than 235m²</p>	<p>None included</p>



Table C3 Comparison of Change of Use PD Rights in UK & Republic of Ireland

From	To	Northern Ireland		England & Wales		Scotland		Republic of Ireland	
Restaurant / Takeaway	Shop	✓	Class A	✓	Class A	✓	Class 10	✓	Class 14
Financial	Shop	✓	Class C	✓	Class D	✓	Class 10	✓	Class 14
Restaurant	Financial	✓	Class A	✗		✓	Class 11		
General Industry	Light Industry / Business	✓	Class B	✓	Class B	✓	Class 12		
Storage	Light Industry	✓	Class B	✓	Class B	✓	Class 12		
Industry	Storage	✓	Class B*	✓	Class B*	✓	Class 13*		
Financial	Shop	✓	Class C***	✓	Class D***	✗			
Shop	Mixed Use** Shop	✓	Class E	✓	Class F	✗			
Financial	Mixed Use** Financial	✓	Class E	✓	Class F	✗			
Financial	Mixed Use Shop**	✓	Class E***	✗	Class F***	✗			
Mixed Use Shop	Shop	✓	Class F	✗		✗			
Mixed Use Financial	Financial	✓	Class F	✗		✗			
Mixed Use Financial	Shop	✓	Class F	✗		✗			

*No more than 235m2

** Single Flat

***Financial/Professional with display window

Northern Ireland has the most extensive rights with regard to this topic of the nations discussed.



C5. Rural Areas

Table C4 summarises the PD rights granted towards rural areas throughout the UK.

Table C4 Summary of UK Rural Area PD Rights

Northern Ireland GDO	England and Wales GPDO 1995	GPDO (Scotland) 1992
<p>Part 4 Temporary Buildings and Uses</p> <p>Class A</p> <p>Temporary buildings, moveable structures, works, plant or machinery required in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. This is subject to a number of conditions stipulating that it is removed immediately and does not require planning permission.</p> <p>Class B</p> <p>The use of land for a specific purpose for no more than 28 days subject to conditions, with certain uses exempted.</p> <p>PART 6 Agricultural Buildings and Operations</p> <p>Class A2</p> <p>After 31st December 2008, the carrying out on agricultural land comprised in an agricultural unit of:</p> <p>(a) works for the erection, extension or alteration of a building; or</p> <p>(b) any excavation or engineering operations; reasonably necessary for the purposes of agriculture within that unit.</p> <p>This class is subject to conditions, with ground area not to exceed 300 sq m.</p>	<p>Part 4 Temporary Buildings and Uses</p> <p>Class A</p> <p>Temporary buildings, moveable structures, works, plant or machinery required in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. This is subject to a number of conditions stipulating that it is removed immediately and does not require planning permission.</p> <p>Class B</p> <p>The use of land for a specific purpose for no more than 28 days subject to conditions, with certain uses exempted.</p> <p>PART 6 Agricultural Buildings and Operations</p> <p>Class A - Development on units of 5 hectares or more</p> <p>The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of:</p> <p>(a) works for the erection, extension or alteration of a building; or</p> <p>(b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.</p> <p>This class is subject to conditions with ground area not to exceed 465 sq m.</p>	<p>Part 4 Temporary Buildings and Uses</p> <p>Class 14</p> <p>Temporary buildings, moveable structures, works, plant or machinery required in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. This is subject to a number of conditions stipulating that it is removed immediately and does not require planning permission.</p> <p>Order contains no similar class.</p> <p>PART 6 Agricultural Buildings and Operations</p> <p>Class 18</p> <p>The carrying out on agricultural land comprised in an agricultural unit of:</p> <p>(a) works for the erection, extension or alteration of a building;</p> <p>(b) the formation, alteration or maintenance of private ways; or</p> <p>(c) any excavation or engineering operations, requisite for the purposes of agriculture within that unit.</p> <p>This class is subject to conditions.</p>



Table C4 (continued) Summary of UK Rural Area PD Rights

Northern Ireland GDO	England and Wales GPDO 1995	GPDO (Scotland) 1992
	<p>Class B - Development on units of less than 5 hectares</p> <p>The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of—</p> <ul style="list-style-type: none"> (a) the extension or alteration of an agricultural building; (b) the installation of additional or replacement plant or machinery; (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; (d) the provision, rearrangement or replacement of a private way; (e) the provision of a hard surface; (f) the deposit of waste; or (g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit. <p>This class is subject to conditions with ground area not to exceed 465 sq m.</p>	<p>Order doesn't break class down by either date or land size unlike Northern Ireland GDO or England & Wales GPDO.</p>
<p>Class B</p> <p>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.</p> <p>This class is subject to conditions.</p>	<p>Class C - Mineral working for agricultural purposes</p> <p>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.</p> <p>This class is subject to conditions.</p>	<p>Class 19</p> <p>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.</p> <p>This class is subject to conditions.</p>
<p>Class C</p> <p>The construction, formation, laying out or alteration of a means of access to a road, subject to conditions.</p>	<p>No similar class</p>	<p>No similar class</p>

As seen in Table C5, the three Orders' contain a number of parallels. However the England & Welsh GPDO divides PD rights using a land size threshold, whilst the Northern Ireland system provides an extra PD right regarding the construction, formation, laying out or alteration of a means of access to a road on an agricultural development. In England and Wales the erection, extension or alteration of an agricultural building is permitted up to a greater floorspace of 465 sq m. There is little crossover between these systems and the Republic of Ireland system, that is a lot more specific in terms of use. The Republic's system is now summarised.



Table C5 Summary of Republic of Ireland Exempted Development Rights

Class	Legislation Summary
Class 6	Permits works consisting of the provision of a structure for the housing of certain livestock up to a gross floor space of 200 square metres, subject to conditions regarding design and size.
Class 7	Permits works consisting of the provision of a structure for the housing of pigs, mink or poultry up to 75 square metres. This right is subject to size, design and location.
Class 8	Permits works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description up to a gross floor space of 200 square metres. This PD right is subject to size, use, design and location.
Class 9	Permits works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of the Schedule, up to a gross floor space of 300 square metres. This PD right is subject to size, use, design and location.
Class 10	Permits the erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface. This right is subject to conditions regarding use, location and height.



C6. Institutions, Community Facilities, Leisure & Recreation

The use of land for temporary buildings and uses is the same in the England & Wales GPDO as in Northern Ireland. Further such PD rights are provided in Scotland and the Republic of Ireland but the conditions do differ on the certain activities that are excluded through conditions.

In Northern Ireland, England & Wales, Scotland and the Republic of Ireland permitted development rights for 'minor operations' or 'sundry minor operations' (in Scotland & the Republic of Ireland) are very similar. In Northern Ireland, England & Wales and Scotland, District councils all enjoy permitted development rights up to a maximum height of 4m and a maximum size of 200 cu m. In the Republic of Ireland no such permitted development rights exist.

In England and Wales, institutions benefit from their own dedicated part in the GPDO. Part 32 of the GPDO confers the right to erect new buildings on existing sites with a predominant educational or medical use subject to conditions. In Northern Ireland, Scotland and the Republic of Ireland no such permitted development rights exist. An obvious consideration therefore is whether such a Part would prove suitable in the Northern Ireland GDO.

Whilst there is no equivalent of the Northern Ireland Part 25, Part 27 of the England and Wales GPDO (Use by Members of Certain Recreational Organisations), permits the erection of tents by organisations holding a certificate of exemption under section 269 of the Public Health Act 1936. There is no such relevant section in the Scotland GPDO. Parts 33 to 37 of the Republic of Ireland Exempted Development grant permitted development rights for a number of recreation related activities and associated structures. This includes parks, sports facilities and waterways. A direct comparison between the PD rights with reference to this topic throughout the UK and the Republic of Ireland is provided in Table C6.



Table C6 Summary of UK & Republic of Ireland Institutions, Community Facilities, Leisure & Recreation PD Rights

Northern Ireland	England & Wales	Scotland	Republic of Ireland
<p>Part 4 Temporary Buildings & Uses (Class B)</p> <p>The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for any purpose referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.</p> <p>- motor car and motorcycle racing including trials of speed, and practising for these activities is restricted to 14 days.</p>	<p>Part 4 Temporary Buildings & Uses (Class B)</p> <p>The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.</p> <p>- motor car and motorcycle racing including trials of speed, and practising for these activities is restricted to 14 days.</p>	<p>Part 4 Temporary Buildings & Uses (Class 15)</p> <p>The use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site or an open air market, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use.</p>	<p>Development for Amenity or Recreational Purposes (Class 37)</p> <p>Development consisting of the use of land for a fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character & the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.</p> <p>- Subject to conditions regarding the land use not being used continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.</p>
<p>Part 12 Development by District Councils</p> <p>Erection or construction and the maintenance of any building, works or equipment up to 4m in height or 200 m³ in volume</p>	<p>Part 12 Development by District Councils</p> <p>Erect or alter small ancillary buildings 4m in height or 200 m³ in volume</p>	<p>Part 12 Development by District Councils</p> <p>Erect or maintain small buildings, works or equipment up to 4m in height or 200 m³ in volume</p>	
<p>Part 2 Minor Operations</p> <p>Erection, construction, maintenance, improvement or alteration of a gate fence or wall.</p> <p>Subject to restrictions:</p> <ul style="list-style-type: none"> • 2m • 1m adjacent to highway • Exceed former height • Listed building • Private street. 	<p>Part 2 Minor Operations</p> <p>Erection, construction, maintenance, improvement or alteration of a gate fence or wall.</p> <p>Subject to restrictions:</p> <ul style="list-style-type: none"> • 2m • 1m adjacent to highway • Exceed former height • Listed building. 	<p>Part 2 Sundry Operations</p> <p>Erection, construction, maintenance, improvement or alteration of a gate fence or wall.</p> <p>Subject to restrictions:</p> <ul style="list-style-type: none"> • 2m • 1m within 20m of road • Exceed former height • Listed building. 	<p>Sundry Operations</p> <p>Erection, construction, maintenance, improvement or alteration of a gate fence or wall.</p> <p>Subject to restrictions:</p> <ul style="list-style-type: none"> • 2m



Table B6 (continued) Summary of UK & Republic of Ireland Institutions, Community Facilities, Leisure & Recreation PD Rights

Northern Ireland	England & Wales	Scotland	Republic of Ireland
<p>Part 25</p> <p>Development by or on behalf of the Department of Culture, Arts and Leisure:</p> <ul style="list-style-type: none"> • Development on waterway or canal works; • The provision of a building, plant, machinery or apparatus for survey or investigation; • The use of land in respect of waterways or canal works; • 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 • Development required in connection with the improvement, maintenance or repair of inland water; or • Development and improvement of facilities for angling. 	<p>Part 32 Institutions</p> <p>Erection on the site of any school, college, university or hospital of any building required for use as part of, or for a purpose incidental to the use of, the school, college, university or hospital.</p> <p>Subject to conditions:</p> <ul style="list-style-type: none"> • The total floorspace of the original buildings not being exceeded by more than 10% • The total size of new buildings not exceeding 250 cu m • New buildings not being erected within 20 metres of a site boundary • Playing fields not being built on • In conservation areas, AONB's etc the materials used being similar to the original buildings. <p>Part 27</p> <p>The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.</p>		<p>Development for Amenity or Recreational Purposes</p> <p>Class 33</p> <p>Development consisting of the laying out and use of land:</p> <p>(a) As a park, private open space or ornamental garden,</p> <p>(b) As a roadside shrine (subject to height & floorspace conditions), or</p> <p>(c) For athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms).</p> <p>Class 34</p> <p>Works incidental to the maintenance & management of any golf course or pitch & putt course, excluding any extension to the area of a golf course or pitch and putt course.</p> <p>Class 35</p> <p>Development consisting of:</p>



Table C6 (continued) Summary of UK & Republic of Ireland Institutions, Community Facilities, Leisure & Recreation PD Rights

Northern Ireland	England & Wales	Scotland	Republic of Ireland
Subject to conditions			<p>(a) The carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith</p> <p>(b) The erection or construction by or on behalf of a statutory undertaker of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.</p> <p>- Subject to conditions on floorarea up to 40 sq m & conditions on height & total car park spaces.</p> <p>Class 36</p> <p>(a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use</p> <p>(b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures).</p> <p>- Subject to conditions on floorarea up to 40 sq m & conditions on height & total car park spaces.</p>

In summary, in England & Wales there is a specific class relating to PD rights for institutions which is not repeated elsewhere. The GDO grants extended rights for the Department of Culture, Arts and Leisure not repeated in any other nations. However the Republic of Ireland Exempted Development Schedule does provide for a number of leisure uses that do not require planning permission. The use of land for temporary buildings and uses is provided for throughout the UK and in the Republic of Ireland subject to differing conditions.



C7. Utilities

In England and Wales, similar permitted development classes are used for statutory undertakers in Part 17 of the GPDO. Scotland also has a similar class in the form of Part 13. The Republic of Ireland uses similar PD classes under parts 23 – 31. The PD rights between the nations are compared in Table C7.

Table C7 Summary of UK & Republic of Ireland PD Rights for Utilities

Utility	Northern Ireland	England & Wales	Scotland	Republic of Ireland
Railways	✓ Part 13, Class A	✓ Part 17, Class A	✓ Part 13, Class 34	✓ Class 23
Dock, pier, harbour	✓ Part 13, Class B	✓ Part 17, Class B	✓ Part 13, Class 35	✓ Class 24
Electricity undertakings	✓ Part 13, Class C	✓ Part 17, Class G	✓ Part 13, Class 40	✓ Class 26, 27, 28, 29
Gas	✓ Part 13, Class D	✓ Part 17, Class F	✓ Part 13, Class 39	✓ Class 25
Lighthouses	✓ Part 13, Class F	✓ Part 17, Class I	✓ Part 13, Class 42	✗
Water and Sewage	✓ Part 13, Class H	✓ Part 16	✓ Part 13, Class 38	✗
Dredging	✗	✓ Part 17, Class D	✓ Part 13, Class 37	✗
Road Transport	✓ Part 13, Class E	✓ Part 17, Class H	✓ Part 13, Class 41	✗
Post Office	✓ Part 13, Class G	✓ Part 17, Class J	✓ Part 13, Class 43	✓ Class 30
Hydraulic Power	✗	✓ Part 17, Class E	✗	✗
Repairs to Services	✓ Part 10	✓ Part 10	✓ Part 10	✗

Whilst the classes are similar the rights with regard to overhead electricity lines differ to Northern Ireland. In England & Wales these are permitted subject to a maximum permitted voltage level. The Scotland system grants similar rights. The Republic of Ireland system grants rights for ‘overhead transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV’ subject to no conditions such as height or length.

The above indicates that PD rights for overhead electricity lines are substantially more permissive in England & Wales, Scotland and the Republic of Ireland than Northern Ireland. These are controlled using conditions regarding voltage level rather than in Northern Ireland where they are regulated using height, length and location.



C8. Minerals

Whilst the Northern Ireland GDO contains only one part relating to minerals the Orders covering England & Wales and Scotland do offer extended PD rights. These are set out in table C8.



Table C8 Summary of UK & Republic of Ireland PD Rights for Minerals

England & Wales	Scotland	Republic of Ireland
<p>Part 19 – Development Ancillary to Mining Operations</p> <p>Class A</p> <p>The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any:</p> <ul style="list-style-type: none"> (a) Plant or machinery, (b) Buildings, (c) Private ways or private railways or sidings, or (d) Sewers, mains, pipes, cables or other similar apparatus, on land used as a mine. <p>Class B</p> <p>The carrying out, on land used as a mine or on ancillary mining land, with the prior approval of the mineral planning authority, of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any:</p> <ul style="list-style-type: none"> (a) Plant or machinery, (b) Buildings, or (c) Structures or erections. <p>Class C</p> <p>The carrying out with the prior approval of the mineral planning authority of 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.</p> <p>This part is subject to conditions such as height, floorspace & location.</p>	<p>Part 16 – Development Ancillary to Mining Operations</p> <p>Rights largely the same as England & Wales</p>	None
<p>Part 20 – Coal Mining Development by the Coal Authority & Licensed Operators</p> <p>Under this Part various PD rights are granted to the Coal Authority & licensed operators</p>	<p>Part 17 – British Coal Corporation Mining Development</p> <p>Under this Part various PD rights are granted to the British Coal Corporation, their lessees or licensees</p>	None



Table C8 (continued) Summary of UK & Republic of Ireland PD Rights for Minerals

England & Wales	Scotland	Republic of Ireland
<p>Part 21 – Waste Tipping at Mine PD rights for the deposit of waste on mine premises of waste derived from mineral or coal-mining operations.</p> <p>Part 22 – Mineral Exploration Class A Development on any land during a period not exceeding 28 consecutive days consisting of: (a) The drilling of boreholes; (b) The carrying out of seismic surveys; or (c) The making of other excavations, 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 of those operations. These are subject to similar conditions as in Part 16 of the GDO. However operations are restricted within 50 m of any part of an occupied residential building or a building occupied as a hospital or school; any excavation referred to in paragraph A(c) would exceed 10 metres in depth or 12 square metres in surface area; in the case described in paragraph A(c) more than 10 excavations would, as a result, be made within any area of 1 ha within the land during any period of 24 months; or any structure assembled or provided would exceed 12 m in height. Class B permits the same but imposes a different set of conditions as it permits charges up to 2Kg.</p>	<p>Part 18 – Waste Tipping at Mine Rights largely the same as England & Wales</p> <p>Part 15 – Mineral Exploration Rights largely the same as England & Wales</p>	<p>None</p> <p>Class 5 - Minerals and Petroleum Prospecting (a) The carrying out of works on any land for the purpose of minerals prospecting and the erection or placing on land of any structures required for that purpose. (b) The carrying out of works on any land for the purpose of searching for petroleum and the erection or placing on land of any structures required for that purpose, where the searching is carried out pursuant to and in accordance with the terms and conditions of an exploration licence, a petroleum prospecting licence or a reserved area licence.</p>
<p>Part 23 – Removal of Material From Mineral-Working Deposits PD rights regarding the removal of materials from mineral workings</p>	<p>Part 19 – Removal of Material From Mineral-Working Deposits Rights largely the same as England & Wales</p>	<p>None</p>



PD rights in Scotland and England & Wales with regard to minerals are more extensive than in Northern Ireland. They cover 5 parts that relate to mineral workings. The England & Wales and Scotland GPDO's both provide a class not provided in Northern Ireland permitting 'Development Ancillary to Mining Operations'. This includes the erection, extension, installation, rearrangement, replacement or other alteration of any plant or machinery; buildings; private ways or private railways or sidings; or sewers, mains, pipes, cables or other similar apparatus, on land used as a mine. The Parts relating to mineral exploration are also more extensive by providing potential for charges of 2Kg. A potential reason for the more extensive rights in England & Wales and Scotland over Northern Ireland is summarised in the Northern Ireland Lichfield Report:

It is not clear why NI does not have PD rights for this type of development although it may be because there are no large mines, no significant coal mining and many small private mines close to housing requiring more control.

Exempted development in the Republic with regard to minerals is minimal in contrast to the UK with the only rights proposed relating to minerals and petroleum prospecting.





Appendix D Summary of National & Development Plan Policy



Entec

Creating the environment for business



D1. Industry & Research & Development

D1.1 National Policies

D1.1.1 Planning Policy Statement 4 (1997) - Industrial Development

PPS 4 is relevant to all uses of land involving the carrying out of any industrial process or research and development into industrial products or processes. It does not deal with other business activities such as retailing, offices, mineral extraction, waste disposal or agriculture. PPS 4 recognises the importance of attracting inward investment in a highly competitive market. The facilitation of small businesses, particularly in rural areas is also crucial to providing jobs, diversifying the economy and creating viable communities.

The importance of the environment cannot be underestimated, in attracting high end employment and skilled people. Northern Ireland's environment and picturesque image has and will be a key selling point for investment.

PPS 4 sets out the following key issues which must be taken into account for industrial development:

- They must be compatible with the character of the surrounding area;
- They must be compatible with adjacent land uses, especially housing;
- They must not be likely to cause detriment to valuable areas or features of nature conservation interest or man-made heritage;
- They must, where possible, avoid the loss of high grade agricultural land;
- They must not result in a significant increase in traffic congestion or be a hazard to road safety;
- They must not be likely to cause or exacerbate flooding; and
- They must be capable of dealing satisfactorily with any emission or effluent.

With regard to rural industry, new buildings for industrial enterprises on farm holdings may be acceptable if they are small-scale and can be satisfactorily integrated into an existing group of farm buildings.

D1.1.2 Draft Planning Policy Statement 4 (2003) - Industry, Business and Distribution

The draft PPS 4 seeks to facilitate the economic development needs of the region in ways consistent with the protection of the environment. Such safeguarding of the environment, and the fostering of a 'clean, green image',



can provide economic advantages and employment in itself in terms of the promotion of, for example, tourism, recreation, agri-food and quality of life attractions.

The main objectives of this Statement are:

- To promote sustainable economic development;
- To tackle disadvantage and facilitate job creation in an environmentally sensitive manner;
- To ensure the provision of a generous supply of land suitable for business and industry and a choice and range in terms of quality, size and location;
- To support the re-use of previously developed sites and buildings where they meet the needs of particular economic sectors;
- To improve integration between transport and locations for economic development;
- To ensure a high standard of quality and design for new development; and
- To ensure that the natural and built heritage is protected.

The new PPS 4 differs from the previous version in that it incorporates industry with business and distribution. This acknowledges that the characteristics of much modern industrial and business development is such that it can be carried on in residential areas without causing unacceptable disturbance and adverse impact on residential amenity. Development should therefore, where appropriate, identify areas where low-impact industry and business can co-exist with housing, specifying the range of uses appropriate in the area and indicating if conditions or agreements are necessary to safeguard local amenity.

D1.2 Development Plan Policies

The Regional Development Strategy (RDS) for Northern Ireland, published in 2001, aims to guide the future development of Northern Ireland to 2025 and help meet the needs of a fast growing Region. The RDS sets out in Policy SPG-ECON 1:

To promote a balanced spread of economic development opportunities across the Region, focused on the Belfast Metropolitan Area, Londonderry, Craigavon and the urban hubs/clusters, as the main centres for employment and services.

Area-based adopted development plans throughout Northern Ireland take a positive view towards the development of industry in all forms. A consistent standpoint is outlined in the Cookstown Area Plan, Plan Strategy:

Protect and extend existing industrial and business areas where they are within easy access of the urban population and will not have a significant adverse impact on the environment or local amenity.



Such industrial development proposals range from home working through to industries of an offensive or hazardous nature. It includes policies on non-industrial uses on zoned industrial land and the retention of existing industrial lands and buildings. It also addresses rural enterprise and industrial projects in the countryside. In considering applications for new industrial development, the Department will assess the nature of the process together with the potential pollution impact.

Existing and proposed industrial areas are zoned in the development plans, for instance within the Craigavon Urban Area and Cookstown Area Plan 2010 existing major industrial areas are identified. Where industrial areas are designated there is a clear policy preference to retain industry rather than allow the growth of other forms of development in such areas.

Development plans examined clearly support the development of industry in urban areas and zone industrial areas appropriately. Further they propose new zones for industry. There is therefore potential for greater industry-related PD rights on the basis that industry in Northern Ireland is largely zoned away from other areas such as residential and retail and is therefore less sensitive to extended PD rights.



D2. Waste Management

D2.1 National Policies

PPS 11 sets out the Department's planning policies for the development of waste management facilities. It seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications.

Priority is now being given to the reduction of waste at source, to its re-use and preparation for re-use, to recycling and to its recovery as a source of energy. Treatment and disposal of the remainder should also be achieved in a safe and environmentally acceptable manner. All of these activities need to be carried out in a manner consistent with the overall principle of the Waste Framework Directive i.e. the protection of the environment and human health and with the principle of sustainable development and without imposing an unnecessary burden on industry and local authorities.

The main objectives of PPS 11 are to:

- Promote the development, in appropriate locations, of waste management facilities that offer the Best Practicable Environmental Option (BPEO) in meeting need as identified by the relevant WMP, or as demonstrated to the Department's satisfaction in the case of waste water treatment works (WWTWs);
- Ensure that waste management operations do not have any detrimental effects on people, the environment, and local amenity; and
- Secure appropriate restoration of proposed waste management sites for agreed after-uses.

D2.1.1 Development Plan Policies

The Regional Development Strategy (RDS) for Northern Ireland aims in SPG-ENV 5:

'To respond to the implications of climate change and promote more prudent and efficient use of energy and resources, and effective waste management'.

Policy SPG-ENV 5 is expanded upon in ENV 5.4 - Promote the Waste Management Strategy for Northern Ireland:

- *Work in partnership with industry to create an economy based on sustainable waste management practices, supporting and influencing opportunities for reducing the amount of waste generated;*
- *Provide an extensive network of recycling, recovery and secondary materials manufacturing facilities, and develop an integrated regional network of a limited number of landfill sites, closely related to the Regional Strategic Transport Network to minimise environmental impacts on residential neighbourhoods and tranquil rural areas; and*



- *Locate waste treatment facilities on a limited number of key sites conveniently related to the major centres of urban waste production in keeping with proximity principle.*

This policy makes clear that facilities which are developed to ensure compliance order established in the waste hierarchy are likely to increasingly be seen in planning applications to the Planning Service. Further to this industrial schemes must increasingly take sustainable waste management practices into account in order to gain planning permission. There could be facets within such schemes that could be granted PD rights in order to encourage more sustainable waste management.

Area-based adopted development plans throughout Northern Ireland take a very broad view on waste management. They refer continually to the Waste Management Strategy for Northern Ireland in providing greater information on waste treatment.



D3. Telecommunications

D3.1 National Policies

PPS 10, published in April 2002, sets out the Department's planning policies for telecommunications development. It embodies the Government's commitment to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. It also addresses health issues associated with telecommunications development.

The aim of the PPS is therefore to ensure that new telecommunications infrastructure, such as masts, antennas and associated equipment can be developed in a way which continues to provide Northern Ireland with world class telecommunications services, while at the same time minimising the environmental impact of new or replacement equipment. To maintain and improve the position in an increasingly competitive global market, Northern Ireland will need a telecommunications infrastructure of the highest quality. In particular advanced telecommunications can help reduce the disadvantages of a peripheral location in Europe and assist in the opening up of new markets. These benefits could be particularly important in facilitating business development in disadvantaged rural areas in Northern Ireland.

It should also be noted that modern telecommunications can bring environmental benefits. They can reduce the need to travel and hence reduce vehicle emissions and congestion, for example by enabling 'home working'. They have also enabled the development of 'real time' driver information systems which can lead to better use of roads and reduced congestion.

The main objectives of PPS 10 are to:

- Facilitate the continuing development of telecommunications infrastructure in an efficient and effective manner;
- Ensure that where appropriate new telecommunications development is accommodated by mast and site sharing;
- Ensure that the visual and environmental impact of telecommunications development is kept to a minimum;
- Minimise, as far as practicable, undue interference that may be caused to terrestrial television broadcasting services by new development; and
- Encourage appropriate provision for telecommunications systems in the design of other forms of development.



PPS 10 encourages the sharing of telecommunications masts. It also seeks to use small antennas where possible and to disguise them or integrate them into street furniture. Telecommunications development should also seek to avoid sensitive features and locations of archaeological, built or natural heritage value.

D3.2 Development Plan Policies

D3.2.1 Regional Development Strategy for Northern Ireland 2025

The Regional Development Strategy (RDS) for Northern Ireland in Policy ECON 5.1 aims to:

Develop a long-term investment strategy supportive of the regional economy, involving both public and private sectors.

This strategy will be contributed towards by promoting:

The development of an up-to-date, highly competitive telecommunications infrastructure – in terms of capacity, technology, access and costs.

Area-based adopted development plans throughout Northern Ireland take a broad and brief view to telecommunications development. All of the plans reviewed stated:

Telecommunication provision within the District is mainly the responsibility of British Telecom supplemented by a number of other provider’.

The Plans then go on to refer the reader to the national and regional policy referred to earlier within this topic section.

D3.2.2 DCAN14: Siting and Design of Radio Telecommunications Equipment

Development Control Advice Notes (DCANs) represent non-statutory planning guidance that is intended to supplement, elucidate and exemplify policy documents, including Planning Policy Statements (PPSs) and development plans. DCAN14: Siting and Design of Radio Telecommunications Equipment provides guidance about how the industry can continue to expand its operations in a manner that minimises the visual and environmental impact of equipment and highlights examples of good practice from Northern Ireland and beyond. Paragraph 3.4 sets out a series of options in selecting the site and design for the development of telecommunications infrastructure:

- Installing small scale equipment and antennas;
- Blending in and disguising equipment and antennas;



- Installing antennas on buildings or structures;
- Sharing existing sites, masts and other infrastructure; and
- Erecting a new ground based mast.

Paragraph 4.6 sets out that the:

Development of radio telecommunications equipment will continue to be concentrated in urban areas, where demand is greatest' (Paragraph 4.5). Less visually sensitive areas where the use of standard equipment may be more readily acceptable include:

- *Industrial areas;*
- *Large traffic junctions;*
- *Land adjacent to railway lines;*
- *Landfill sites;*
- *Wastewater treatment sites;*
- *On or near water towers; and*
- *Floodlighting towers.*

DCAN14 coupled with Policy TEL1 in PPS10 outlines the 'Control of Telecommunications Development' will permit proposals for telecommunications development where proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.



D4. Commercial & Retail

D4.1 National Policies

D4.1.1 Planning Policy Statement 5 (1996) - Retailing and Town Centres

PPS 5 outlines the Government's policy objectives for town centres and retail developments, including commerce and retail. These are:

- To sustain and enhance the vitality and viability of town centres;
- To focus development, especially retail development, in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximises the opportunity to use means of transport other than the car;
- To maintain an efficient, competitive and innovative retail sector; and
- To ensure the availability of a wide range of shops, employment services and facilities to which people have easy access by a choice of means of transport.

D4.1.2 Draft Planning Policy Statement 5 (2006) – Retailing, Town Centres and Commercial Leisure Developments

The draft PPS 5 will eventually supersede the current PPS 5. The overriding objective of the draft PPS 5 is to sustain and enhance the vitality and viability of town centres in a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2025.

Other objectives include:

- To promote more sustainable development ensuring that new developments are located where there are good public transport services, and better access for those walking and cycling and less dependence on access by car;
- To promote quality of design, of both the buildings and the spaces around the buildings, which contributes positively to townscape and is sensitive to the surrounding area;
- To encourage an efficient, competitive and innovative retail and commercial leisure sector offering consumer choice, consistent with the overall commitment to town centres; and
- To maintain a hierarchy and network of centres consistent with the overall commitment to town centres.



D4.2 Development Plan Policies

The RDS promotes multi-functional town centres as the prime locations for retail, service, administrative, leisure and cultural facilities. Development plans set out a retail hierarchy within their jurisdiction to determine the type and amount of commerce and retail that is suitable. This is to contribute to wider sustainability objectives by ensuring local service centres are maintained, meeting the needs of local residents and encouraging short distance walking and cycling. As a result, changes in floorspace of retail and commerce needs to be controlled as this could off-balance the hierarchy and have implications for travel and sustainability.

On the whole, development plans grant permission for replacement shop fronts where the scale and design of the proposal relates satisfactorily to the architectural character and unit width of the parent building, and to the rhythm of the street frontage within which it is located. Shop fronts can create an interesting and attractive street level environment if carefully designed and integrated into the architectural style of the parent building.

Security shutters are another factor which can have a significant impact both individually and collectively on the street scene. Externally mounted security shutters can be highly intrusive and damaging to the appearance of an area. As a result planning permission will normally be required for external grilles and shutters. Their acceptability will depend on the balance between their impacts individually and cumulatively on the street scene and the need for security.

Extended PD rights that allow for simpler extension of premises for instance will assist in creating viable and vibrant retail centres as outlined in above policy. However any extension of rights would also have to take into account the emphasis placed upon good-quality design in the above objectives. A priority is also placed in development plans to protect retail and commercial floorspace from changing to other uses.



D5. Rural Areas

D5.1 National Policies

D5.1.1 Draft Planning Policy Statement 21 - Sustainable Development in the Countryside

The Department published a Draft PPS 21 in November 2008.

The key objectives set out by the Statement are:

- To manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- To conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- To facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and
- To promote high standards in the design, siting and landscaping of development in the countryside.

Policy CTY4 promotes proposals for the sympathetic conversion, with adaptation if necessary, of a suitable non-residential building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals must be a high quality design and meet a number of specified criteria.

Policy CTY11 presents a key issue in the agricultural sector at present in the form of diversification. It states:

Planning permission will be granted for a farm of forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) Terms of character and scale it is appropriate to its location;*
- b) It will not have an adverse impact on built or natural heritage; and*
- c) It will not result in a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.*

Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.



Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation or re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Policy CTY12 relates to Agricultural and Forestry Development. This provides support for such development providing it can be demonstrated that in terms of character, landscape and scale development is appropriate to its location. Further the Policy stipulates that agricultural and forestry development should not have an adverse impact on natural or built heritage and will not produce detrimental impacts upon the amenity of residential dwellings including potential problems arising from smell, noise or pollution.

D5.2 Development Plan Policies

The RDS confirms that in Northern Ireland, the agriculture sector is still more economically significant than in other parts of the UK. As a percentage of gross value added to the economy; agriculture in Northern Ireland in 1999 contributed 2.5% compared to 0.9% for the UK as a whole. The importance placed upon the agricultural sector is set out in Policy RNI1.1 of the RDS which states “*Sustain the continuing development of a strong agricultural and agri-food sector.*” Further Policy ENV5.2 of the Strategy aims to:

Minimise the loss to development of agricultural land and, where possible, reverse the loss of woodland and natural habitats.

This policy further protects agriculture from development due to it remaining an important sector in Northern Ireland’s economy.

Area-based adopted development plans throughout Northern Ireland take a positive view towards retaining agricultural development. The importance of the sector is clear especially in rural districts. This is highlighted in the Dungannon & South Tyrone Area Plan 2010:

Agriculture is an important land use in Dungannon and South Tyrone Borough and one of the most important local industries, employing approximately 3,771 people on 2,035 farms.

However development plans accept the importance for farmers to diversify into non-agricultural activities to supplement their farming income and the Department of Agriculture and Rural Development (DARD) has a range of initiatives to support this process. As a result applications for such diversification are likely to increase throughout the coming decade and therefore PD rights relating to diversification are worthy of consideration. However if proposed these must provide a balance ensuring they are not to the detriment of the sector.



D6. Institutions, Community Facilities, Leisure & Recreation

D6.1 National Policies

There are no national policies directed at institutions or community facilities. However there is national policy guidance relating to leisure and sport, as now summarised:

D6.1.1 Planning Policy Statement 8 (2004) - Open Space, Sport & Outdoor Regulation

PPS 8 sets out the Government's policy on the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation. The Government considers that everyone, particularly children, the elderly and those with disabilities, should have easy access to open space and the opportunity to participate in sport and outdoor recreational pursuits.

The main objectives of the Statement are:

- To safeguard existing open space and sites identified for future such provision;
- To ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- To facilitate appropriate outdoor recreational activities in the countryside;
- To ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;
- To achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- To ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

D6.1.2 Draft Planning Policy Statement 5 (2006) - Retailing, Town Centres and Commercial Leisure Developments

The key objective of this draft PPS is to sustain and enhance the vitality and viability of town centres in a manner consistent with achieving the strategic objectives of the Regional Development Strategy. With regards to leisure, its objective is to encourage an efficient, competitive and innovative retail and commercial leisure sector offering consumer choice, consistent with the overall commitment to town centres.



D6.2 Development Plan Policies

The RDS sets out a plan for Northern Ireland which encourages the development of university and Further Education College outreach facilities. In developing a long-term investment strategy supportive of the regional economy, the plan seeks to maintain and enhance the standard of community, cultural, educational, social and health infrastructure and a range of leisure facilities; and facilitate unlocking the economic potential of the creative industries. The plan seeks to establish Northern Ireland as a knowledge economy. An essential element of this is to maintain a well developed network of schools and colleges, including promoting ICT networks for schools and the further and higher education sectors; and providing better access for local communities to lifelong learning, for example, using local library computer networks as resource centres to access world-wide knowledge.

Further the RDS emphasises the importance of the need for the ‘soft’ infrastructure of social, cultural and community facilities which enhance quality of life and embrace the creative industries; in supporting economic objectives.

Locations in built up areas tend to have development plan policies directed at health and educational institutions. Belfast for example has a number of higher education and hospital facilities and the draft Belfast Metropolitan Area Plan details plans for expansion at all the facilities.

Within the Plan period the Queen’s University, Belfast is proposing significant investment in education, health and recreational facilities including the provision of new library and R&D facilities. Investment will comprise a combination of new build development and refurbishment/extension of existing facilities. Further the University of Ulster at Jordanstown is proposing to invest in education and learning facilities including the development of a Science Park providing education related employment opportunities and a Sports Institute for Northern Ireland and a National Centre for Rehabilitation Research.

The University of Ulster is intending to extend and refurbish their Belfast campus within their existing landholding within the Plan period. The University plans to almost double student capacity within the next five years to capitalise on recent success in achieving national research funding for research in design, fashion, textiles and fine arts.

Health Services within BMA are undergoing a process of rationalisation. These are provided at the Royal Group of Hospitals, Belfast City Hospital, the Ulster Hospital (including Bangor Minor Injuries Unit), the Mater Hospital, Musgrave Park Hospital, the Lagan Valley Hospital, Whiteabbey Hospital, Forster Green and Belvoir Park Hospitals.

There are major redevelopment works at the Royal Group of Hospitals, Belfast City Hospital and the Ulster Hospital. Whilst Musgrave Park Hospital and the Mater are both engaged in redevelopment plans to upgrade facilities and services at their current sites.

The availability of indoor and outdoor facilities for both active and passive recreation is deemed an important element in enhancing the quality of life and hence an important part of development plans. The provision of



adequate recreational facilities lies with District Councils. Other bodies who contribute to the provision and development of sport, recreation and open space facilities do, however, also play an important role. These include local sports clubs, schools and colleges, the Department of Agriculture and Rural Development's Forest Service, the National Trust and the Sports Council.

In summary, development plan policy is typically supportive of planning applications for Education, Health, Community uses and Cultural and Recreational Facilities within the built up area. It seeks to protect land zoned for those purposes and grant planning permission subject to normal considerations of scale, size, appearance, impact on neighbours and traffic/noise generation.



D7. Utilities

D7.1 National Policies

The Northern Ireland Regional Development Strategy (RDS) provides the strategic environmental context for the delivery of public services and utilities and contains Strategic Planning Guidelines and measures for Northern Ireland as follows:

- To undertake or where appropriate, facilitate a program of infrastructure improvements essential to business needs;
- To respond to the implications of climate change and promote more prudent and efficient use of energy and resources, and effective waste management;
- To create healthier living environments and to support healthy lifestyles; and
- To develop a cohesive network of cross border and trans regional infrastructure.

The Planning Strategy for Rural Northern Ireland covers all of the towns, villages and countryside of Northern Ireland outside Belfast (and adjoining built up areas) and Londonderry. This Strategy includes a section covering 'Public Services & Utilities'. However most of the policies in this section of the Strategy are either in the process or have been superseded by Planning Policy Statements. Policy PSU 11 (Overhead Cables) however remains saved and provides that:

The siting of electricity power lines and other overhead cables will be controlled in terms of the visual impact on the environment with particular reference being given to designated areas of landscape or townscape value.

Further Policy PSU 11 provides detail on the siting of electricity power lines:

When considering a development proposal for the siting of electricity power lines and other overhead cables, the lines should be planned to:

- Avoid areas of landscape sensitivity;
- Avoid sites and areas of nature conservation or archaeological interest;
- Minimise their visual intrusion;
- Make sure that they follow the natural features of the environment; and
- Ensure that wirescape in urban areas is kept to a minimum with preference being given to undergrounding services where appropriate.



D7.2 Development Plan Policies

The development plans do not contain specific policies relating to all the utilities but their strategy for public services and utilities is to highlight infrastructure constraints and requirements and to facilitate the delivery of the infrastructure.



D8. Minerals

D8.1 National Policies

There is no Planning Policy Statement regarding minerals, however the Planning Service has now commenced work on PPS19: Minerals. Further the following Strategy contains a chapter on minerals.

D8.1.1 A Planning Strategy for Rural Northern Ireland 1993 - Minerals

Minerals can only be extracted from where they are found, though with common minerals, there may be a choice of site. Whilst they are essential, their working can have a significant effect on the landscape and on people's living conditions. Because of their nature, scale, location and duration of operation, mineral developments often impact more severely on the environment than other forms of development so they must be subject to rigorous control standards.

While there will be a general presumption in favour of development, in considering a particular application account will be taken of the value of the mineral to the economy, the environmental implications of the proposal and the degree to which adverse effects can be mitigated in relation to the character of the local area (currently under review by PPS 4).

D8.1.2 Development Plan Policies

Area-based adopted development plans throughout Northern Ireland take a very broad view on mineral development. General support is outlined for minerals development with certain areas being reserved for mineral workings. However mineral development in general is not supported by policy in protected areas, with development plans often referring to such specific areas.



Appendix E Part 32 Development for National Security Purposes (Class C)



Entec

Creating the environment for business



Class C of Part 32 (Development for National Security Purposes) relates to the telecommunication section of the report. It is recited in full here due to its complexity:

PART 32 DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

Class C Permitted Development

C. Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land consisting of—

- (a) The installation, alteration or replacement of any electronic communications apparatus;
- (b) The use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or
- (c) Development ancillary to radio equipment housing.

Development not Permitted

C.1 Development is not permitted by Class C(a) if—

- (a) It involves the installation of a mast which is not a replacement of an existing mast;
- (b) It involves the installation of an antenna which is not a replacement antenna, other than as provided for by C.3;
- (c) In the case of the alteration or replacement of apparatus already installed (other than on a building), 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;
- (d) In the case of the alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or—
 - (i) 15 metres, where it is installed or is to be installed, on a building which is 30 metres or more in height; or
 - (ii) 10 metres in any other case, whichever is greater;
- (e) In the case of the alteration or replacement of apparatus on a building, the highest part of the apparatus, when altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or—



- (i) 10 metres, where it is installed or is to be installed, on a building which is 30 metres or more in height;
 - (ii) 8 metres in the case of a building which is more than 15 metres but less than 30 metres in height; or
 - (iii) 6 metres in any other case, whichever is the greater;
- (f) In the case of the alteration or replacement of apparatus (other than an antenna) on a mast and the apparatus supported by it would, when the apparatus was altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs C.1(c),
- (d) Or (e), and for the purposes of applying the limit specified in subparagraph
- (e) The words "(taken by itself)" shall be disregarded;
- (g) In the case of the installation, alteration or replacement of any apparatus other than—
- (i) A mast;
 - (ii) An antenna;
 - (iii) Any apparatus which does not project above the surface of the ground; or
 - (iv) Equipment housing, the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 metres, whichever is the greater;
- (h) In the case of the alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
- (i) The antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it is essential for operational purposes that the antenna is located in that position; or
 - (ii) In the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (i) In the case of the alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the



existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater; (j) in the case of the installation, alteration or replacement of equipment housing—

- (i) The development is not ancillary to the use of any other electronic communications apparatus; or
- (ii) The development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

C.2 Development consisting of the installation of apparatus is not permitted by Class C(a) in a conservation area, an area of outstanding natural beauty or a National Park unless—

- (a) The land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communications apparatus;
- (b) The existing apparatus was installed on the site on or before the relevant day; and
- (c) The site was Crown land on the relevant day.

C.3 (1) Subject to paragraph (2), development is not permitted by Class C(a) if it will result in the installation of more than one item of apparatus ("the original apparatus") on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class C(a), for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In paragraph (2), "small apparatus" means—

- (a) A dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;
- (b) An antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
- (c) A hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not exceeding 7 metres in diameter;
- (d) A dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;
- (e) An antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;
- (f) Equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.



Conditions

C.4 (1) Class C(a) and Class C(c) development is permitted subject to the condition that any antenna or supporting apparatus, equipment housing or development ancillary to equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class C(a) development consisting of the installation of any additional apparatus in a conservation area, an area of outstanding natural beauty or a National Park is permitted subject to the condition that the apparatus shall be installed as close as reasonably practicable to any existing apparatus.

(3) Class C(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land at the expiry of the relevant period and the land restored to its condition before the development took place.

(4) Class C development—

(a) In a conservation area, an area of outstanding natural beauty, a National Park, or Area of Special Scientific Interest; or

(b) On any other land and consisting of the alteration or replacement of a mast; or the installation, alteration or replacement of an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 4 metres or more; or of equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to equipment housing, is permitted subject, except in an emergency, to the conditions set out in C.5.

C.5 (1) The developer shall, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or occupier of the land to which the development relates—

(a) By serving the appropriate notice to every such person whose name and address is known to him;

(b) Where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

C.6 (1) Class C(b) or Class C.3 development consisting of the installation of one or more antennas is permitted subject to the condition that the developer shall—

(a) Except in a case of emergency give appropriate notice in writing to the Department no fewer than twenty-eight days before development is begun of the developer's intention to carry out such development; or



(b) In a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(2) The notice referred to in sub-paragraphs 1(a) and (b) shall be accompanied by 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, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0 Hz to 300 GHz).

Interpretation of Class C

C.7 For the purposes of Class C—

"Appropriate notice" means a notice signed and dated by or on behalf of the developer and containing—

- (a) The name of the developer;
- (b) The address or location of the proposed development; and
- (c) A description of the proposed development (including its siting and appearance and the height of any mast);

"Development ancillary to equipment housing" means the construction, installation, alteration or replacement of structures, equipment or other means of access which are ancillary to and reasonably required for the purposes of the equipment housing;

"Electronic communications apparatus" has the same meaning as in the electronic communications code;
"electronic communications code" has the meaning assigned to it by section 106(1) of the Communications Act 2003(a);

"Local advertisement" means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development is situated;

"Mast" means a structure erected by or on behalf of the developer for the support or housing of one or more antennae including a radio mast, radio tower, pole or other structure;

"Relevant day" means –

- (a) 10th June 2006; or
- (b) Where existing apparatus is installed pursuant to planning permission granted on or after 10th June 2006, the date when that apparatus is finally installed pursuant to that permission, whichever is later;



"Relevant period" means a period which expires—

- (a) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus permitted by Class C(a) or Class C(c) or from the commencement of the use permitted by Class C(b), as the case may be; or
- (b) When the need for such apparatus, structure or use ceases, whichever occurs first.



Appendix F England & Wales GPDO. Part 19 - Development Ancillary to Mining Operations



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Creating the environment for business



Part 19 (Development Ancillary to Mining Operations) of the England & Wales GPDO relates to the options for change set out in the minerals section of the report. It is recited in full here:

PART 19 DEVELOPMENT ANCILLARY TO MINING OPERATIONS

Class A Permitted Development

A. The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—

- (a) Plant or machinery;
- (b) Buildings;
- (c) Private ways or private railways or sidings; or
- (d) Sewers, mains, pipes, cables or other similar apparatus.

On land used as a mine.

Development not Permitted

A.1 Development is not permitted by Class A—

- (a) In relation to land at an underground mine—
 - (i) On land which is not an approved site; or
 - (ii) On land to which the description in paragraph D.1(b) applies, unless a plan of that land was deposited with the mineral planning authority before 5th June 1989;
- (b) If the principal purpose of the development would be any purpose other than—
 - (i) Purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or
 - (ii) The treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- (c) If the external appearance of the mine would be materially affected;
- (d) If the height of any building, plant or machinery which is not in an excavation would exceed—



(i) 15 metres above ground level; or

(ii) The height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,

Whichever is the greater;

(e) If the height of any building, plant or machinery in an excavation would exceed—

(i) 15 metres above the excavated ground level; or

(ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or

(iii) The height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,

Whichever is the greatest;

(f) If any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres; or

(g) If the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres the floor space of that building.

Condition

A.2 Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

(a) 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; and

(b) The land shall be restored, so far as is 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.



Class B Permitted Development

B. The carrying out, on land used as a mine or on ancillary mining land, with the prior approval of the mineral planning authority, of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any—

- (a) Plant or machinery,
- (b) Buildings, or
- (c) Structures or erections.

Development not Permitted

B.1 Development is not permitted by Class B—

(a) In relation to land at an underground mine—

- (i) On land which is not an approved site; or
- (ii) On land to which the description in paragraph D.1(b) applies, unless a plan of that land was deposited with the mineral planning authority before 5th June 1989;

or

(b) If the principal purpose of the development would be any purpose other than—

- (i) Purposes in connection with the operation of the mine,
- (ii) The treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine, or
- (iii) The storage or removal from the mine of such minerals, their products or waste materials derived from them.

B.2 The prior approval referred to in Class B shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) The proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) The proposed development ought to be, and could reasonably be, sited elsewhere.



Condition

B.3 Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

(a) All buildings, plant, machinery, structures and erections permitted by Class B shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) The land shall be restored, so far as is 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.

CLASS C PERMITTED DEVELOPMENT

C. The carrying out with the prior approval of the mineral planning authority of 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.

Development not Permitted

C.1 Development is not permitted by Class C if it is carried out by the Coal Authority or any licensed operator within the meaning of section 65 of the Coal Industry Act 1994[49] (interpretation).

Prior Approvals

C.2(1) The prior approval of the mineral planning authority to development permitted by Class C is not required if—

(a) The external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;

(b) No building, plant, machinery, structure or erection—

(i) Would exceed a height of 15 metres above ground level, or

(ii) Where any building, plant, machinery, structure or erection is 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; and

(c) The development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3).



(2) The approval referred to in Class C shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) The proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) The proposed development ought to be, and could reasonably be, sited elsewhere.

(3) The limits referred to in paragraph C.2(1)(c) are—

- (a) That the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%, and
- (b) That the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

INTERPRETATION OF PART 19

D.1 An area of land is an approved site for the purposes of Part 19 if—

- (a) It is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted, as land which may be used for development described in this Part; or
- (b) In any other case, it is land immediately adjoining an active access to an underground mine which, on 5th December 1988, was in use for the purposes of that mine, in connection with the purposes described in paragraph A.1(b)(i) or (ii) or paragraph B.1(b)(i) to (iii) above.

D.2 For the purposes of Part 19—

- "Active access" means a surface access to underground workings which is in normal and regular use for the transportation of minerals, materials, spoil or men;
- "Ancillary mining land" means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act (control over development);
- "Minerals" does not include any coal other than coal won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal or confined to the digging or carrying away of coal that it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal;
- "The prior approval of the mineral planning authority" means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered;



- "Underground mine" is a mine at which minerals are worked principally by underground methods.

