



Department of the  
**Environment**

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# **Planning Permitted Development and Agricultural Buildings**

## **Proposals for changes to Permitted Development Rights for Agricultural Buildings and Plant**

### **Consultation Document**

October 2012

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## **INTRODUCTION**

This consultation paper sets out the Department of the Environment's proposals for amending Part 6 of Schedule 1 to the Planning (General Development) Order (NI) 1993.

## **RESPONDING TO THIS CONSULTATION DOCUMENT**

### **How to Respond**

**You are invited to send your views on this consultation document.**

**Comments should reflect the structure of the documents as far as possible with references to paragraph numbers where relevant.**

**All responses should be made in writing and submitted to the Department no later than 18<sup>th</sup> January 2013 in one of the following ways:**

**1. By post to:**

Permitted Development rights for agricultural buildings  
Consultation  
Planning Policy Division  
Department of Environment  
3<sup>rd</sup> Floor  
Millennium House  
17- 25 Great Victoria Street  
Belfast  
BT2 7BN

**2. By e-mail to: [agri-building.planning@doeni.gov.uk](mailto:agri-building.planning@doeni.gov.uk)**

**3. By fax (marked "Agricultural Building Consultation response") to 028 90416960.**

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

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at [www.planningni.gov.uk](http://www.planningni.gov.uk) or requested via the postal address, e-mail or fax numbers above, or by telephone on 028 9041 6967, or by Text phone on 028 90540642. This document is available in alternative formats; please contact us to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

## **IMPACT ASSESSMENTS**

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes B and C to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

## BACKGROUND

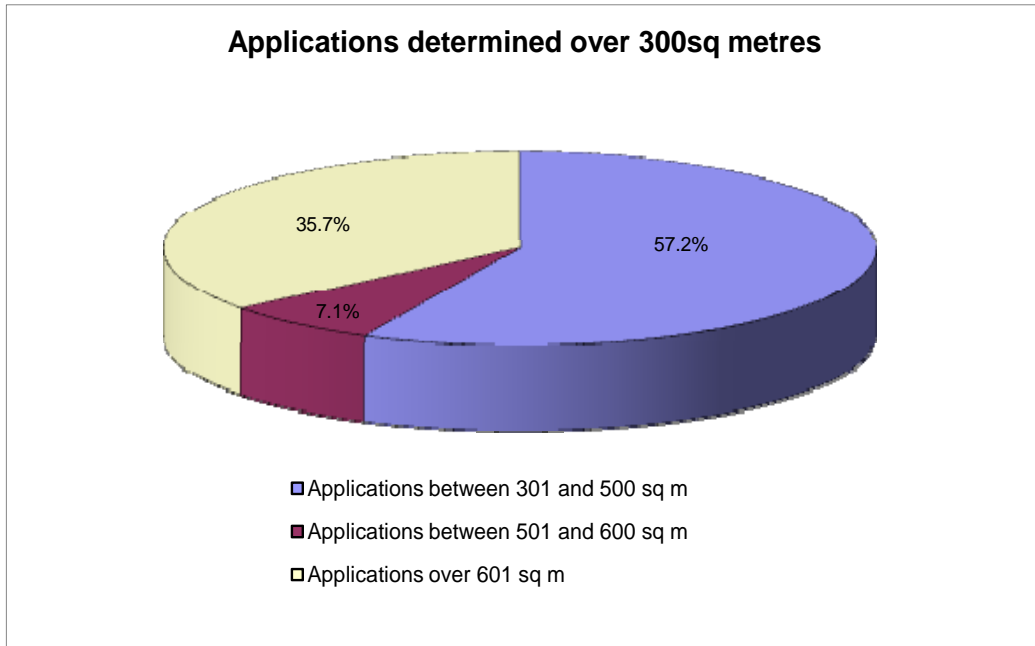
1. The Agriculture industry represents an important part of the Northern Ireland economy and, in planning terms, this is reflected in the extensive permitted development rights granted to the industry through Part 6 of Schedule 1 to the Planning (General Development) Order (NI) 1993 (a copy of the current Part 6 Pd rights is set out at Annex A). At the same time it is recognised that while permitted development rights should permit farmers to proceed with modest development of their land, it needs to be in scale and in character and should not create adverse impact on the landscape, to amenity or to the environmental quality of the land itself.
2. The Ulster Farmers Union (UFU) in its response to the Department's consultation exercise on non-domestic permitted development rights in 2009/10 suggested that there should be an increase in the area limitation on the size of an agricultural building from the current 300m<sup>2</sup> permitted under Part 6 to 600m<sup>2</sup>. This was temporarily the case during the period between October 2005 and December 2008 to assist farmers to erect slurry containers or buildings that would be used to house livestock and store slurry up to 600m<sup>2</sup> to comply with the Farm Nutrient Management Scheme under the EU Nitrates Directive. UFU argue that the initiative was very successful and meant fewer planning applications had to go through the planning process thus reducing expense and delay.
3. Although the pre-consultation review on non-domestic permitted development noted the extension of the size of agricultural buildings to 600m<sup>2</sup> was an option proposed by UFU in stakeholder feedback it was not recommended by the consultants and increasing the building size limitations did not form part of the Department's consultation proposals. That having been said the Department considers that in the light of the UFU response it is appropriate to review building/structure size limits in

4. Because of potential impacts, notably visual and landscape effects arising from extending the current limitation area the Department has undertaken further research on the subject of the size limit of agricultural buildings with a view to bringing forward proposals for revised PD rights which would consider increasing the current area constraints of agricultural buildings. The outcome of the research is set out in this paper.

### **Analysis of Application Sample**

5. The study identified a number of planning application decisions for agricultural-type development determined between April and September 2011. A statistically robust sample (92%) of those applications was examined as part of this review. The types of agricultural buildings for which planning permission was sought included sheds used for the storage of hay and straw, buildings for the storage and maintenance of agricultural machinery, the housing of livestock, milking parlours and bulk milk tank stores, and slurry storage tanks. The size of the structures described in the applications ranged from 50m<sup>2</sup> to 2,200m<sup>2</sup>.
6. The majority of applications (85.7%) in the sample reviewed were approved, with very few objections received. In approving an application, local area planning offices imposed a number of conditions to safeguard against adverse amenity impact, principally dealing with the retention of mature trees and vegetation, vehicle visibility splays, landscaping for visual amenity and that the building would be for agricultural use only.

7. In relation to road traffic hazards Part 6 permitted development is already controlled in the GDO by Article 3(5), which provides that the permission granted by permitted development described in Schedule 1 shall not authorise any development which requires or involves the construction, formation, laying out, or alteration of a means of access to an existing road which is a special, trunk or classified road or which creates an obstruction to the view of persons using any road at or near any crest, bend, corner, junction or intersection so as to be likely to cause danger to such persons.
8. While there are no PD conditions relating to the retention of trees or landscaping (which would be difficult to formulate, apply and enforce) development is not permitted under Class A.2, Part 6 if a building, structure or works not designed for the purposes of agriculture is provided on the land. In addition all development permitted by Class A2 must be reasonably necessary for the purposes of agriculture within the unit. Of course preservation-worthy trees and woodland can and are protected by the application of Tree Preservation Orders.
9. In the main, applications were refused because they were considered to be contrary to departmental policy; principally CTY 1 (Development in the Countryside) and CTY 12 (Agricultural and Forestry Development) of Planning Policy Statement 21. Reasons for refusal included that the building was not necessary for the efficient use of the active and established agricultural holding, was not sited beside the existing farm buildings, that the building would not visually integrate into the landscape, or that if permitted, it would be prejudicial to the amenity of adjacent residential properties.
10. Of the 77 applications examined in this review, 28 (36%) were for an agricultural building greater than 300m<sup>2</sup> in size. A breakdown of these applications is illustrated in the chart below.



11. 64% of the 77 planning applications reviewed related to applications for agricultural units under 300m<sup>2</sup>. In some cases it was clear that the proposals would not be PD because, for example, there were no other farm buildings on the land or other conditions or limitations set out in Part 6 of the GDO could not be met (for example, the building was within 75 metres of a neighbouring dwellinghouse). The Department is considering amending Part 6 of the GDO to clarify that the first agricultural building on agricultural land will require express planning permission.

### **Practice in other jurisdictions**

12. The **Republic of Ireland** exempts development for agricultural buildings from 75m<sup>2</sup> to 300m<sup>2</sup> dependent on use and is considerably different from the permitted development arrangements in the North. For example, roofed structures for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits is exempted provided it does not have a gross floor space exceeding 200m<sup>2</sup>. Ancillary provision for effluent storage is permitted but the floorspace of such structures together with any other such structures situated within the same farmyard complex or



within 100 metres of the complex must not exceed 300m<sup>2</sup> in aggregate. Roofless cubicles, open loose yards, self feed silos, feeding aprons, milking parlours or structures for the making or storage of silage or other similar structures, including ancillary effluent storage are permitted up to a maximum of 200m<sup>2</sup>, subject to a similar aggregate maxima of 300m<sup>2</sup>.

13. In **England and Wales** a ground area of up to 465 m<sup>2</sup> is permitted but is subject to a permitted development rights regime which is different to that in Northern Ireland. Different PD rights apply to agricultural units of less than 5 hectares and those of 5 hectares or more. The conditions that apply to those PD rights are also different, e.g., the PD rights do not apply to building works for the accommodation of livestock or for the storage of slurry or sewage within 400 metres of the curtilage of any building occupied by people that is not within the agricultural unit. Development under both classes of PD rights can also be subject to a requirement to give prior notification to the local planning authority, to enable it to determine whether the prior approval should be required to the siting, design and external appearance of the building or other development. **Scotland** has similar but not identical PD arrangements.

#### **Temporary Extension of Building Size Limits to support the Farm Nutrient Management Scheme**

14. In 2005 the Department and DARD jointly consulted on a proposed change to PD rights for slurry storage containers to facilitate compliance with the implementation of the Farm Nutrient Management Scheme in Northern Ireland. This was put forward to enable farmers to comply with the Nitrates Directive and to draw DARD grant aid within a specific time frame (originally to December 2007 but subsequently extended to December 2008). While there was overall support in the public consultation at that time for the proposal to increase PD rights for agricultural buildings for the storage of slurry and the housing of farm animals up to 600m<sup>2</sup> (86%) there were a number of

respondents (including some councils and environmental groups) who raised concerns about amenity impact in terms of landscape character and environmental nuisance. The Council for Nature Conservation and the Countryside saw merit in dealing with the need to increase slurry storage capacity but recommended that the relaxation of permitted development rights for agricultural buildings to store slurry should be time limited to the needs of the Directive.

### **Environmental Impact Assessment**

15. Paragraph 1(c) of Schedule 2 to The Planning (Environmental Impact Assessment) Regulations (NI) 2012 refers to intensive livestock installations. Article 3(8)(b) of the GDO removes the PD rights for such development if it falls within a description of development mentioned in column 1 of the table in Schedule 2 and is in a sensitive area (AONB, National Parks, ASSIs etc) or if any threshold detailed in the Schedule 2 of the EIA Regulations is exceeded or met. The threshold for intensive livestock development is that the area of floorspace exceeds 500m<sup>2</sup>. Should an increase to the PD area limitation on the size of an agricultural building be increased from the current 300m<sup>2</sup> to 600m<sup>2</sup> and a building exceeding 500m<sup>2</sup> is to be used as an intensive livestock installation the developer will need to seek a determination from the Department as to whether or not the proposal constitutes EIA development prior to commencing the project. If it does constitute EIA development PD rights are set aside and a planning application along with an environmental statement will be required.

### **Recommendation**

16. An increase to the size area limitation of PD rights for agricultural units would require an amendment to the GDO. In the sample of applications reviewed, agricultural units between 300 and 600m<sup>2</sup> accounted for approximately two thirds of applications over 300m<sup>2</sup>. An increase to 600m<sup>2</sup> would therefore remove a significant number of applications

over 300m<sup>2</sup> from the system (64%). However a more modest increase to 500m<sup>2</sup> (57% of those applications) is the recommended option. It would go some way to aligning the maximum buildings size with PD rights provided for larger agricultural holdings in other UK jurisdictions (currently 465m<sup>2</sup>). It also aligns with the EIA development threshold discussed in paragraph 15 and would enable farmers to store slurry generated on the agricultural unit. Importantly, the other existing limitations in Part 6, including proximity constraints from neighbouring dwellinghouses would continue to apply. Internal consultation has indicated that some stakeholders have concerns about the impact of the proposals on sensitive landscape areas, on biodiversity and protection for listed buildings and ancient monuments. It has been suggested that within sensitive areas, including Areas of Outstanding Natural Beauty, the current area limit of 300m<sup>2</sup> should remain.

**Views are therefore sought on the proposal to extend the area limitation of agricultural buildings to 500m<sup>2</sup>. If you do not agree, the Department would be interested in views on a possible alternative ground area limit, whether other limitations, if any, should be applied; what they should be and why.**

### **Anaerobic Digestion Plant**

17. In 2009/10 the Department consulted on proposals to introduce permitted development rights for anaerobic digesters on agricultural units provided that:

- the plant is located on an agricultural unit of at least 0.5 hectares in area;
- the nearest part of the plant is not more than 75m from the nearest part of a group of principal farm buildings;
- the nearest part of any plant so erected is at least 75m from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the agricultural unit);

- the ground area covered by the plant does not exceed 300m<sup>2</sup>;
  - the height of any part of the plant within 3km of the perimeter of an aerodrome does not exceed 3m, or 12m in any other case; and
  - any part of the development is a minimum of 24m from the nearest part of a special road, 24m from the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.
18. During the consultants review concerns were expressed about the potential effect of odours from anaerobic digestion plant. Considerations of increased traffic generation and intensification of sub-standard road accesses can also be relevant where feed stock is imported from other sites. The consultation therefore suggested that PD rights for anaerobic digestion plants be limited to those that use only the materials generated on the agricultural unit on which the plant is located. While the consultation elicited mixed views on this subject, the majority of those who commented (69%) agreed that such a condition should be imposed. That having been said it does seem reasonable to align the area limit to that proposed for agricultural buildings.

### **Recommendation**

19. Provided that feedstock is limited to materials generated on the agricultural unit it is recommended that PD rights be introduced to provide for the installation alteration or replacement of structures to house anaerobic digestion plant on agricultural units subject to the limitations described above but with the ground area of the plant not to exceed 500m<sup>2</sup>. It should be noted however that excluding the importation of feedstock may be a significant limiting factor on the size of AD plant permitted under the proposals.

**Views are therefore sought on this proposal. If you do not agree, the Department would be interested in views on a possible alternative ground area limit, whether other limitations, if any, should be applied; what they should be and why.**

## ANNEX A Part 6 Permitted Development Rights for Agricultural Buildings and Operations

### PART 6

#### AGRICULTURAL BUILDINGS AND OPERATIONS

##### Class A

##### Permitted development

**A. Prior to 1<sup>st</sup> January 2009, the carrying out on agricultural land comprised in an agricultural unit of—**

**(a) works for the erection, extension or alteration of a building; or**

**(b) any excavation or engineering operations; reasonably necessary for the purposes of agriculture within that unit.**

##### *Development not permitted*

**A.1** Development is not permitted by Class A if—

(a) the development is on agricultural land less than 0.5 hectares in area;

(b) it consists of or includes the erection, extension or alteration of a dwelling;

(c) a building, structure or works not designed for the purposes of agriculture is provided on the land;

(d) the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings;

(e) the nearest part of any building or structure so erected or extended is less than 75 metres from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the said unit);

(f) the ground area to be covered by—

(i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or any building as extended or altered, other than a building to which paragraph A.1(g) applies by virtue of Class A;

exceeds 300 square metres, calculated as described in paragraph A.3;

(g) the ground area to be covered by a building, or

excavation used or to be used for the storage of slurry or manure or, by a building for both the accommodation of livestock and storage of slurry and manure, exceeds 600 square metres, calculated as described in paragraph A.3;

(h) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;

(i) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

## Class A2

### Permitted development

**A2. After 31st December 2008, the carrying out on agricultural land comprised in an agricultural unit of—**

**(a) works for the erection, extension or alteration of a building; or**

**(b) any excavation or engineering operations;**

**reasonably necessary for the purposes of agriculture within that unit.**

### *Development not permitted*

**A2.1** Development is not permitted by Class A2 if—

(a) the development is on agricultural land less than 0.5 hectares in area;

(b) it consists of or includes the erection, extension or alteration of a dwelling;

(c) a building, structure or works not designed for the purposes of agriculture is provided on the land;

(d) the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings;

(e) the nearest part of any building or structure so erected or extended is less than 75 metres from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the said unit);

(f) the ground area to be covered by—

(i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or any building as extended or altered;

exceeds 300 square metres, calculated as described in paragraph A.3;

(g) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;

(h) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

Interpretation of  
Classes A and A2

A.3

For the purposes of Classes A and A2—

(1) (a) the area of 0.5 hectares shall be calculated without taking into account any separate parcels of land;

(b) the ground area referred to in paragraphs A.1(f) and A.1(g) is the total of:—

(i) the ground area which the proposed development covers; and

(ii) the ground area of any building (other than a dwelling house) or any works, structure, plant or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which is within 75 metres of the proposed development;

(c) subject to sub-paragraph (1) (d) the ground area referred to in paragraph A2.1(f) is the ground area which the proposed development covers together with the ground area of any building (other than a dwellinghouse), or any works, structure, plant or machinery within the same unit which is being provided or has been provided within the preceding two years, and any part of which is within 75 metres of the proposed development.

(d) for the purposes of sub-paragraph (1) (c), buildings, works, structures, plant or machinery provided prior to 1<sup>st</sup> January 2009 shall be disregarded

(2) (a) “agricultural land” has the meaning assigned to it by the Agriculture Act (Northern Ireland) 1949<sup>(a)</sup>;

(b) “agricultural unit” means land which is occupied as a unit for the purposes of

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<sup>(a)</sup> 1949 c. 2 (N.I.)

agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit;

(c) “building” does not include anything resulting from engineering operations.

(3) The carrying out of works for the erection, alteration or extension of a building, or any excavation in Class A used or to be used for the storage of slurry or manure or for both the accommodation of livestock and storage of slurry or manure includes works begun prior to 1st January 2009 and completed after 31st December 2008.

## Class B

### Permitted development

**B. 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 within the agricultural unit of which it forms part.**

### *Development not permitted*

B.1 Development is not permitted by Class B if any excavation is within 24 metres of the nearest part of a special road or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

### Conditions

B.2 Development is permitted by Class B subject to the conditions—

- (a) that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it is extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture;
- (b) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer;
- (c) the land shall so far as practicable be restored to its former condition before the extraction took place.

### Interpretation of Class B

B.3 For the purposes of Class B the expression “purposes of agriculture” includes fertilizing the land used for the purposes of agriculture, and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.



**Class C**

**Permitted  
development**

**C. The construction, formation, laying out or  
alteration of a means of access to a road.**

*Development not  
permitted*

C.1 Development is not permitted in Class C if—

- (a) it is required in connection with development for which a planning application is necessary under Part IV of the 1991 Order;
- or
- (b) the land is within a site of archaeological interest.

## ANNEX B Screening for Equality Impact Assessment

### DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity between the groups listed at **Appendix 1**. In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

This form is intended to help you to consider whether a new or revised policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

**It is important that this screening form is completed carefully and thoughtfully. Your business area's Equality Representative and the Department's Equality Team (ext 37060/37061) will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.**

**All screening forms should be signed off by the policy maker, approved by a senior manager responsible for the policy and sent to the Equality Team who will arrange to have them posted on the Department's website.**

<b>Policy Title:</b>	Revision of area limitations on Agricultural Buildings Permitted Development. New permitted development rights for Anaerobic digester plant in agricultural units.
<b>Business Area:</b>	Planning Policy Division
<b>Contact:</b>	Joe Torney

# Screening flowchart and template

## Introduction

**Part 1. Policy scoping** – asks the Department to provide details about the policy, procedure, practice and/or decision being screened and what available evidence has been gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues.

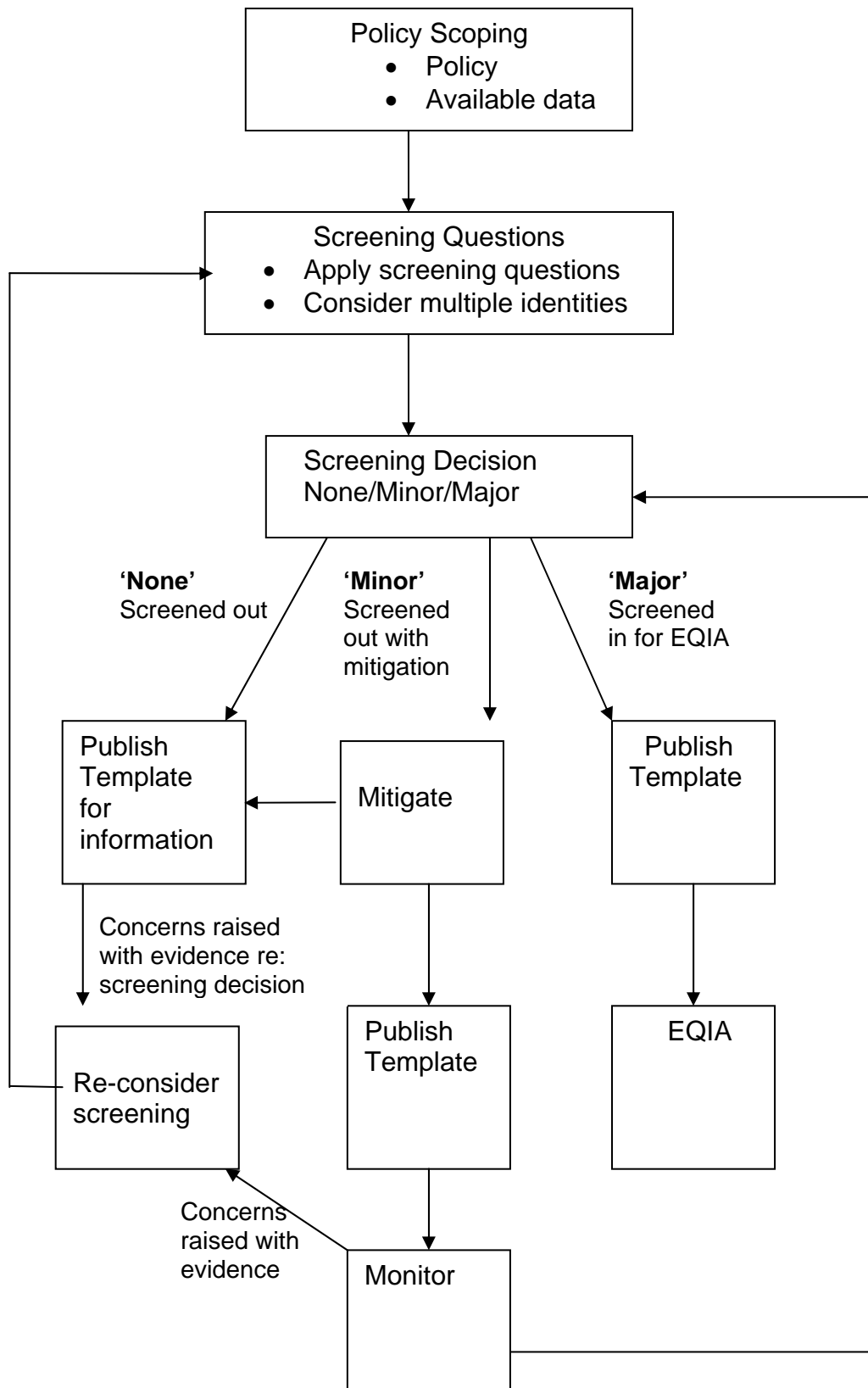
**Part 3. Screening decision** – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** – provides guidance on monitoring for adverse impact and broader monitoring.

**Part 5. Approval and authorisation** – verifies the Department's approval of a screening decision by a senior manager responsible for the policy. All screening templates must be signed off by the relevant policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team for quality assurance, approval and publication on the Department's website.

**Part 6. Submission to the Departmental Equality Team** – Contact details for the Equality Team can be found in this section.

# SCREENING FLOWCHART



## Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Policy makers should remember that the Section 75 statutory duties apply to internal policies (relating to the Department's staff), as well as external policies (relating to those who are, or could be, served by the Department).

### Information about the policy

<b>Name of the policy</b>
Extending permitted development rights for Agricultural Buildings.
<b>Is this an existing, revised or a new policy?</b>
Revision of the existing policy i.e. a revision of the existing permitted development rights to provide a larger size area limitation for agricultural buildings, including structures designed to house anaerobic digestion plant.
<b>What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes)</b>
The objective is to introduce modest liberalisation of existing permitted development rights for agricultural buildings so that certain development can be undertaken without the need to apply for planning permission.
<b>Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.</b>
There are no particular Section 75 categories which might be expected to benefit from the intended policy.
<b>Who initiated or wrote the policy?</b>
The policy was initiated by the Minister of the Environment. The policy was written by Planning Policy Division of Department of the

Environment.
<b>Who owns and who implements the policy?</b>
The Department of the Environment.

**Implementation factors**

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

- Yes                       No

If yes, are they

- financial
- legislative
- other, please specify:

**Main stakeholders affected**

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify:

**Other policies with a bearing on this policy**

- what are they?  
No other policies directly bear on this topic.

- who owns them?

**Available evidence**

Evidence to help inform the screening process may take many forms. Policy makers should ensure that their screening decision is informed by relevant data.

**What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Please specify details for each of the Section 75 categories. For further advice please contact Analytical Services Branch (ASB), (Michael Bennett, ext 40916) or the Equality Team (Laura McAleese, ext 37060, or Jeff Johnston, ext 37061).**

<b>Section 75 category</b>	<b>Details of evidence/information</b>
Religious belief	Given that planning permission for agricultural buildings and operations relate to developers irrespective of their S75 category, there is very limited opportunity to obtain qualitative and quantitative evidence on the possible impact of these proposals on Section 75 groups. However, the Department does not envisage or consider that there are likely to be any major negative impacts associated with this policy, which is of a purely technical nature. The policy proposals will be subject to public consultation including groups representing all Section 75 categories. An analysis of the consultation should indicate whether the policy will have any specific

	impact on any Section 75 group.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

### Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories.

Section 75 category	Details of needs/experiences/priorities
Religious belief	None - no equality issues identified. The policy proposals are of a purely technical nature.



Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

## Part 2. Screening questions

### Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, policy makers should consider the answers to the four screening questions.

If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:-

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

### **In favour of a 'major' impact**

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

### **In favour of 'minor' impact**

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and

- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

## Screening questions

<b>1</b> What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?  minor/major/none		
Section 75 category	Details of policy impact	Level of impact? Minor /major/ none
Religious belief	None identified ahead of public consultation. However, any S75 issues raised during consultation will be considered.	none
Political opinion	As above	none
Racial group	As above	none
Age	As above	none
Marital status	As above	none
Sexual orientation	As above	none
Men and women generally	As above	none

Disability	As above	none
Dependants	As above	none

<b>2</b> Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		The policy proposals are of a purely technical nature and there is no evidence available of any opportunity to better promote equality of opportunity for any S75 group at this stage. To be further reviewed following analysis of responses to the public consultation.
Political opinion		As above.
Racial group		As above.
Age		As above.
Marital status		As above.

Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.
Dependants		As above.

<p><b>3</b> To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none</p>		
Good relations category	Details of policy impact	Level of impact Minor /major/ none
Religious belief	The policy proposals are of a purely technical nature and permitted development rights for agricultural buildings and operations are available to any person whose development proposal satisfies the strictly planning-based limitations and conditions. It is therefore unlikely that there will be any impact on good relations between persons of different religious belief.	None
Political	See above.	None

opinion		
Racial group	See above.	None

<b>4</b> Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		Given the technical nature of the policy, there are no identified opportunities to promote good relations between persons of different religious belief.
Political opinion		As above
Racial group		As above

### Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? *(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Yes

No

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Given the technical nature of the permitted development regime there is no evidence at this stage that the policy has any impact on people with multiple identities.

### **Part 3. Screening decision**

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

Extending permitted development rights for the erection, alteration or extension of agricultural buildings will not disproportionately affect any S75 group. There is no evidence at this stage that the policy has any impact in terms of equality of opportunity or good relations, as it is of a purely technical nature. The need for an equality impact assessment, will be considered further following analysis of responses to the public consultation.

If the decision is not to conduct an equality impact assessment the policy maker should consider if the policy should be mitigated or an alternative policy be introduced.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.



As above

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

### **Mitigation**

When you conclude that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘**screened in**’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment:-

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment.

Is the policy affected by timetables established by other relevant public authorities?

Yes       No

If yes, please provide details.

## Part 4 - Monitoring

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the Department should monitor more broadly than for adverse impact.

Effective monitoring will help you to identify any future adverse impact arising from the policy which may lead to completion of an equality impact assessment, as well as help with future planning and policy development.

## Part 5 - Approval and authorisation

(to be completed by Business Area)

<b>Screened by:</b>	<b>Position/Job Title</b>	<b>Date</b>
Sam Frizzell	DP	10/08/2012
<b>Approved by:</b>		
Joe Torney	Gd 7	13/08/2012

Note: A copy of the Screening Template, for each policy screened should be 'signed off' by the policy maker, approved by a senior manager responsible for the policy and forwarded to the Department's Equality Team who will make the form available on the Department's website. Business areas should ensure that the form is made available on request.

## Part 6 – Submission to Departmental Equality Team

PLEASE FORWARD AN ELECTRONIC COPY OF THE COMPLETED FORM TO:

[equality@doeni.gov.uk](mailto:equality@doeni.gov.uk)

QUERIES TO: DOE EQUALITY TEAM  
8<sup>th</sup> FLOOR  
GOODWOOD HOUSE  
  
*44-58 MAY STREET*  
BELFAST  
BT1 4NN

Laura McAleese, Ext. 37060 [laura.mcaleese@doeni.gov.uk](mailto:laura.mcaleese@doeni.gov.uk)

Jeff Johnston, Ext. 37061 [jeff.johnston@doeni.gov.uk](mailto:jeff.johnston@doeni.gov.uk)

## Appendix 1

<b>Main Groups Relevant to the Section 75 Categories</b>	
<b>Category</b>	<b>Main Groups</b>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
“Men and women generally”	Men (including boys); women (including girls); trans-gendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

## **ANNEX C Preliminary Regulatory Impact Assessment**

### **1. Title of Proposal**

To amend permitted development rights limitation on size of buildings permitted to be erected, extended or altered under Part 6 of Schedule 1 to the Planning (General Development) Order (Northern Ireland)

### **2. Purpose and Intended Effect**

#### **(i) The Objective**

To provide further easement of permitted development rights that will reduce the number of planning applications for agricultural buildings and plant.

#### **(ii) The Background**

The proposed changes follow the response from the Ulster Farmers Union to the Department's consultation on non-householder permitted development rights.

Key changes being proposed are:

#### **Revision of the Department's planning permitted development for agricultural buildings :**

- To increase the area limitation under which farm buildings will be permitted development from 300m<sup>2</sup> to 500m<sup>2</sup>.
- To introduce permitted development rights for anaerobic digestion plant subject to specified limitations and conditions including an area threshold limitation of 500m<sup>2</sup>.

#### **(iii) Risk Assessment**

Failure to legislate could mean that NI farming industry may be put at a competitive disadvantage in comparison with other UK jurisdictions.

### **3. Options**

#### **Option 1: Do Nothing**

This is not a realistic option. See above.

**Option 2: Extend the current permitted development limitation threshold from 300m<sup>2</sup> to 500m<sup>2</sup> and introduce permitted development rights for anaerobic digestion plant.**

This is the preferred option.

#### **4. Costs & Benefits**

##### **Option 1: Do Nothing**

There are no benefits to this option. Costs of engaging the planning process would continue for medium-sized agricultural buildings.

##### **Option 2: Amend Part 6 of Schedule 1 to the Planning (General Development) Order 1993 to extend permitted development rights for agricultural buildings and anaerobic digestion plant.**

This would ease the regulatory burden on developers and the planning authority by no longer requiring the submission and processing of planning applications for agricultural buildings up to 500m<sup>2</sup>.

#### **5. Business Sectors Affected**

Limited to projects for the erection, extension or alteration of an agricultural building on agricultural land comprised in an agricultural unit.. Business sectors currently involved in such projects are likely to be agricultural industry developers. These amendments will have the effect of reducing the procedural and financial requirements on such developers, and the Department does not consider there will be any significant costs over and above those of compliance with existing statutory provisions on EIA, where that requirement arises.

The Department and the Planning Appeals Commission may also face some additional procedural requirements, but the impact is likely to be minimal.

#### **6. Small Firms Impact Test**

Impact on small businesses is expected to be minimal and if anything reduce costs associated with the completion and submission of planning applications, as these requirements will, in the main, no longer be required for buildings between 300m<sup>2</sup> and 500m<sup>2</sup>. The Department would welcome views from any small businesses, or their representatives, who feel that they may be affected by these proposals.

#### **7. Enforcement and Sanctions**

The Department will enforce the new arrangements by applying the statutory requirements to planning applications for projects with significant environmental effects.

#### **8. Equality Impact Assessment**

An Equality Impact Assessment screening carried out in respect of this proposal found no evidence of any additional impact on any of the Section 75 categories.

## **9. Health Impact**

No impact on health has been identified.

## **10. Human Rights Assessment**

The Department considers that the proposed amendments are fully compliant with the Human Rights Act 1998.

## **11. Monitoring and Review**

It should be possible to monitor applications for projects for the erection, alteration or extension of buildings

## **12. Consultation**

### **(i) Within Government**

These proposals have been drawn up in discussion with internal Departmental stakeholders and with the Department for Agriculture and Rural Development.

### **(ii) Public Consultation**

A full public consultation on the policy to deliver option 2 is being initiated and this draft Regulatory Impact Assessment forms part of it.

## **13. Summary and Recommendation**

Option 2 is the recommended option as it will reduce the number of planning applications that need to be made for agricultural buildings and at the same time minimises the regulatory burden on the planning system.



## ANNEX D

### Freedom of Information Act 2000 – Confidentiality of Consultations

1. Please note that the Department may publish responses to this Consultation Document or a summary of responses. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
  - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
  - the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
  - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>).

## **ANNEX E - List of Consultees**

20:20 Architects  
Action on Hearing Loss  
Age NI  
Archbishop Of Armagh & Primate Of All Ireland  
Arcus Architects  
Arqiva  
Atlas Communications  
B9 Energy Services Ltd  
Bar Library  
BBC Engineering Information Department  
Belfast Civic Trust  
Belfast Harbour Commissioners  
Belfast Healthy Cities  
Belfast Hills Partnership  
Belfast International Airport  
Belfast Metropolitan College  
Belfast Metropolitan Residents Group  
Belfast Solicitors Association  
Bishop Of Down And Connor  
Brennen Associates  
British Telecom (N.I.)  
Bryson House  
Building Design Partnership  
Cable & Wireless  
Carers Northern Ireland  
Carey Consulting  
Catholic Bishops of NI  
Chartered Institute of Architectural Technologists  
Chartered Institute of Environmental Health  
Chartered Institute of Housing  
Chief Executive of the NI Judicial Appointments Commission  
Chinese Welfare Association  
City of Derry Airport  
Civil Law Reform Division  
Coleraine Harbour Commissioners  
Committee for the Administration of Justice  
Communities and Local Government  
Community Places  
Community Relations Council  
Confederation of British Industry, NI Branch  
Construction Employers Federation  
Council for Catholic Maintained Schools  
Countryside Access & Activities Network for NI  
Courts and Tribunal Services  
Crown Castle UK Ltd  
Derryhale Residents' Association  
Development Planning Partnerships  
Disability Action

Enniskillen Aerodrome  
Environment and Planning Law Association of NI  
Environmental Health Services Department  
Equality Commission for NI  
Federation of Small Businesses  
Ferguson & McIlveen  
Fisher German LLP  
Food Standards Agency NI  
Friends of the Earth  
Geological Survey of Northern Ireland  
George Best Belfast City Airport  
Gingerbread Northern Ireland  
Health and Safety Executive Northern Ireland  
Health And Social Services Boards and Trusts  
HM Council of County Court Judges  
HM Revenue & Customs  
Human Rights Commission  
I-Document Systems  
Information Commissioners Office  
Institute of Professional Legal Studies  
Institute Of Directors  
Institute of Historic Building Conservation  
Institution of Civil Engineers (NI Association)  
International Tree Foundation  
Kenneth Crothers, Deane & Curry  
Lagan Valley Regional Park Officer  
Landscape Institute NI  
Larne Harbour Commissioners  
Law Centre (NI)  
Liz Fawcett Consulting  
Londonderry Port & Harbour Commissioners  
Lord Chief Justice Office  
Lough Neagh and Lower Bann Management Committees  
LPG Association  
Magistrates Court  
Marks and Spencer  
McClelland/Salter Estate Agents  
Mens Action Network  
Methodist Church In Ireland  
Ministerial Advisory Group for Architecture and the Built Environment in  
Northern Ireland  
Ministry of Defence  
Mobile Operators Association  
Mono Consultants Limited  
Mourne Heritage Trust  
National Trust  
Newtownards Aerodrome  
NI Association of Citizens Advice Bureau  
NI Chamber of Commerce and Industry  
NI Chamber of Trade

NI Women's European Platform  
NIACRO  
NIC/ICTU  
NICARE  
NICOD  
NIPSA  
North West Architectural Association  
Northern Builder  
Northern Ireland 2000  
Northern Ireland Agricultural Producers Association  
Northern Ireland Ambulance Service  
Northern Ireland Amenity Council  
Northern Ireland Association Engineering Employer's Federation  
Northern Ireland Blood Transfusion Service Agency  
Northern Ireland Council For Ethnic Minorities  
Northern Ireland Court Service  
Northern Ireland District Councils  
Northern Ireland Economic Council  
Northern Ireland Education and Library Boards  
Northern Ireland Electricity Plc  
Northern Ireland Environment Committee  
Northern Ireland Environment Link  
Northern Ireland Federation of Housing Associations  
Northern Ireland Fire and Rescue Service  
Northern Ireland Government Departments  
Northern Ireland Health Promotion Agency  
Northern Ireland Housing Council  
Northern Ireland Housing Executive  
Northern Ireland Law Commission  
Northern Ireland Local Government Association  
Northern Ireland Members of the House of Lords  
Northern Ireland MP's, MEP's, Political Parties and MLA's  
Northern Ireland Quarry Products Association  
Northern Ireland Regional Medical Physics Agency  
Northern Ireland Tourist Board  
O2  
OFCOM  
Office of Attorney General for Northern Ireland  
Orange  
Ostick and Williams  
Participation & the Practice of Rights Project  
Participation Network NI  
Phoenix Natural Gas Ltd  
Planning Appeals Commission  
Planning Magazine  
Playboard N.I. Ltd  
POBAL  
Policing Board Of Northern Ireland  
Pragma Planning  
Presbyterian Church In Ireland

PSNI  
Queens University  
Renewable UK  
RICS NI  
Robert Turley Associates  
Royal National Institute of Blind People (RNIB)  
Royal Society for Protection of Birds  
Royal Society of Ulster Architects  
Royal Town Planning Institute  
Royal Town Planning Institute (Irish Branch, Northern Section)  
RPS Group PLC  
RTPI Irish Branch (Northern Section)  
Rural Community Network  
Rural Development Council for Northern Ireland  
School of Law  
Scottish Government  
Society of Local Authority Chief Executives  
Southern Waste Management Partnership  
Sport NI  
Statutory Advisory Councils (including Historic Buildings Council, Historic Monuments Council and Council for Nature Conservation and the Countryside)  
Strangford Lough Advisory Council  
Strangford Lough Management Committee  
Sustrans  
The Executive Council of the Inn of Court of NI  
The General Consumer Council for NI  
The Law Society of Northern Ireland  
The NI Council for Voluntary Action  
The Utility Regulator  
Three  
T-Mobile  
Todd Planning  
Training for Women Network Ltd  
Translink  
Travellers Movement NI  
TSO Bibliographic Department  
Tyrone Brick  
Ulster Angling Federation  
Ulster Architectural Heritage Society  
Ulster Farmers' Union  
Ulster Society for the Protection of the Countryside  
Ulster Wildlife Trust  
University of Ulster  
Urban and Rural Planning Associates  
UTV Engineering Information Department  
Virgin Media  
Vodafone Ltd  
Warrenpoint Harbour Authority  
WDR & RT Taggart

Western Group Environmental Health Committee  
Wildfowl and Wetland Trust  
Womens Forum NI  
Woodland Trust  
World Wildlife Fund (NI)  
Youth Council For Northern Ireland