



Belfast City Council

Report to:	Town Planning Committee
Date:	Thursday, 3 December, 2009
Subject:	Department of Environment Consultation on Permitted Development Rights
Reporting Officer:	Robin Boyd, Members Support Officer
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Purpose of Report

To inform the Committee of the consultation documents which have been issued by the Department of the Environment on Permitted Development Rights and of the process by which the Council will formulate a response to the consultation.

Background Information

In October 2009 Planning Service issued three consultation papers on permitted development (PD) rights. The three papers address three separate elements of permitted development:

- Householder
- Non-Householder
- Microgeneration

The purpose of the consultations is to obtain the comments and views of the public and all interested parties on proposed revisions to the Planning (General Development) Order (Northern Ireland) 1993 (GDO).

The GDO allows certain types of development to proceed without the need for a planning application, since planning permission for them is deemed to be granted. These permitted development rights should lead to a reduction in the number of planning applications and the regulatory burden on the planning system.

Thereby it is envisaged that the proposed changes to PD rights will contribute to the streamlining element of Planning Reform by reducing the number of applications for planning permission.

Householder Permitted Development

In 2008 the Department of Environment commissioned White Young Green (WYG) to undertake

research and review of Householder Permitted Development Rights, as specified in the GDO.

The *Householder Permitted Development Rights Consultation Paper* from Planning Service follows on from the WYG Planning report. A brief summary of this report can be found in **Appendix 1**.

Non Householder Permitted Development

In 2008 the Department of Environment commissioned Entec UK Ltd to undertake research and review of PD rights with a view to simplifying and extending them. The *Review of Non-Householder Permitted Development Rights* is the subsequent public consultation document. A brief summary of this report can be found in **Appendix 2**.

Microgeneration Permitted Development

Microgeneration refers to equipment that can generate heat or electricity (eg wind turbines, solar panels) primarily to address the non-domestic needs of the land use on which it is located. The *Microgeneration Permitted Development consultation document* follows on from a report Entec compiled for DoE. A brief summary of this report can be found in **Appendix 3**.

Consultation responses to each of the documents must be received by the DoE **no later than 22 January 2010**.

Some of the main issues raised in the consultation documents are set out below for the attention of Members.

Copies of the consultation papers are available on the Department's website:

http://www.planningni.gov.uk/index/news/news_consultation.htm

Key Issues

Permitted Development rights have implications for a range of current Council responsibilities and considering that many planning functions will transfer to local Councils post-RPA it is essential that a corporate response is formulated in order to influence the changes proposed. Post-RPA the Council will be responsible for applying the proposed provisions within the reformed planning system.

On initial review of the consultation documents the main issues for Committee to consider are as follows:

Householder Permitted Development

- An impacts based approach giving greater consideration to overlooking; overshadowing; overbearing presence; and disturbance was adopted in making these provisions;
- a change from volume-based calculations to dimension-based criteria for extensions, roof alterations and buildings in curtilage;
- respect for existing building lines and protection to the front elevation of buildings;

The changes aim to expand what can be done without planning permission without reducing protection for adjacent properties.

The report suggests if the changes were to be implemented the overall estimate is a reduction in planning applications of around 20% which equates to 1,668 fewer applications (based on 07/08 figures). Appendix 1 contains a table providing a summary of the proposed changes to householder permitted development.

Non-Householder Permitted Development

The proposed changes for non-householder Permitted Development includes developments that relate to adherence with the Disability Discrimination Act regulations.

- There are proposed changes for telecommunications permitted development including the extension of an existing mast by 10% above its original permitted height.
- It is proposed that Retail and office use will benefit from extending existing properties with various restrictions on this provision
- The Council will seek clarification on what changes are proposed for Part 12 of the GDO in relation to permitted development for Councils.

Microgeneration PD

Each technology is considered in relation to non-domestic provisions. Wind turbines, solar panels, heat pumps and hydro power are among the types of renewable energy system considered.

The proposals within microgeneration will need to be considered in terms of the impacts they may have on adjacent properties, particularly residential properties. The Council views issues around noise, vibration and visual amenity impacts as key considerations in the response.

The baseline taken is that non-domestic microgeneration PD will be at least on a par with the provisions for dwellinghouses.

The Council welcomes a number of the proposed changes, however, there are aspects which will impact Council operations and need further consideration.

The proposals are likely to result in an increased number of applications to the planning authority for Certificates of Lawful Use or Development (CLUD), at least in the short to medium term while the new provisions bed-in. This may still be the case by the time planning functions are transferred to local Councils post-RPA.

The proposed changes will bring Northern Ireland permitted development rights closer in line with those in other UK jurisdictions.

Proposed Actions

The permitted development consultations will have implications for a number of different areas of current and future Council operations and comments are being sought from the relevant Council departments. These comments will be consolidated into the consultation response forms and be used in composing the draft Council response subject to committee approval

Resource Implications

None

Recommendations

It is recommended that the Committee agrees to:

1. Note the proposed arrangements for the formulation of a corporate response to each of the permitted development rights consultation documents.
2. Consider holding a special committee meeting for consideration of a draft Council response to the consultations

Key to Abbreviations

PD – Permitted Development

RPA – Review of Public Administration

GDO – General Development Order

Decision Tracking

Following Committee approval a response will be submitted to the Department of Environment.

Attachments

Appendix 1 – Summary of Householder Permitted Development Consultation Paper
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Appendix 2 – Summary of Non-Householder Permitted Development Consultation Paper
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Appendix 3 – Summary of Microgeneration Permitted Development Consultation Paper
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Appendix 1
Householder Permitted Development Consultation

Householder Permitted Development Summary

INTRODUCTION

This consultation paper follows on from a report to Planning Service by WYG Planning. The purpose of the WYG report was to identify the impacts arising from householder development; consider the scope for the extension of householder permitted development rights; and include proposals for simplifying and improving the processing of householder developments.

It should be noted at the outset that Part 1 of the GDO relates only to dwellinghouses, which by legislative definition do not include purpose built blocks of flats or tenements, bedsits and caravans or other mobile or temporary structures. The scope of the review does not therefore extend to flats, other than where the Part 2 provisions (minor operations) apply to all development, and not just householders.

The main aims of the householder permitted development review have been to devise a new set of criteria for householder development which will:

- reduce the number of householder applications in Northern Ireland;
- ensure that householder 'permitted developments' do not give rise to adverse environmental impacts; and
- be easily understood and interpreted by householders, agents and planning professionals.

The main changes to the GDO include:

- a change from volume-based calculations to dimension-based criteria for extensions, roof alterations and buildings in curtilage;
- an increase in the size and height of porches permissible;
- use of materials 'similar in appearance' to existing house, instead of 'in conformity';
- introduction of some restriction on materials and scale of building in conservation areas, and world heritage sites;
- restrictions on permitted development rights within listed building curtilages;
- restrictions on side windows above ground floor level within 15 metres of the boundary of the curtilage of a neighbouring dwelling house;
- The '5metre' link between dwellings and outbuildings is removed. Proposals for extensions or outbuildings will be considered on the basis of criteria set out in the relevant classes; with the main constant being related to the proportion of curtilage covered by building works;
- a new class should be introduced to permit minor work due to flues, chimneys etc;
- the extent of hard surfacing to the front of dwelling houses should be restricted unless porous or permeable materials are used or provision is made to accommodate run-off;
- oil and gas storage should both be permitted up to 3,500 litres and 3 metres in height;
- a new class is introduced for decking; and
- restrictions are improved on accesses within areas of special scientific interest

Summary of Changes

Class A Enlargement, improvement or other alteration of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
Class A1 (a) Design and external finishes to conform with those of original dwellinghouse	(Class A3 (a)) Materials used in any exterior work should be of similar appearance to those used in existing dwellinghouse	The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.
Class A1 (b) Cumulative volume limitations: Terrace House or house in conservation area: 50 cm ³ or 10% whichever is greater Any other case 70 cm ³ or 15% whichever is greater Any case more than 115cm ³	Cumulative volume limitations no longer used, development is controlled by height, length and breadth restrictions. Single Storey (Class A1 (e) ii) Not permitted if: exceeds 4 metre in height or (Class A1 (e) i) extends beyond the rear wall of the dwellinghouse by more than: Detached : 4 metres Other : 3 metres (Class A1 (f) i ,ii) More than one Storey Not permitted if: extends beyond the rear wall of the dwellinghouse by more than 3 metres or: is within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. Condition (Class A3 (b)i,ii) Any upper floor window located in a wall or roof slope forming side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwelling house, shall be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which it is installed)	Cumulative volume limitations no longer used, development now controlled by height, length and breadth restrictions. Single Storey limitations: Maximum 4 metres in height <u>Detached</u> :4 metres maximum length from rear wall <u>Other</u> : 3 metres maximum length from rear wall More than one Storey limitations: Maximum 3 metres from rear wall: Minimum 7 metres to any- boundary. Side facing windows to be obscure glazing and non-opening, if the window is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse. Roof pitch shall be similar to the roof pitch of the original dwellinghouse

Class B Enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof

Existing Tolerance	Proposed Tolerance	Summary of change
Class B1(a) Design and external finishes to conform with original dwellinghouse	(Class B2 (a)) Materials used in any exterior work shall be of similar appearance to those used in existing dwellinghouse	The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.
Class B1(b) Not permitted if any part of the dwellinghouse as a result of the works exceeds the height of the highest part of the existing roof.	(Class B1 (a)) No change	No change
Class B1 (c) Not permitted if any part of the dwellinghouse as a result of works extends more than 15 cm's beyond the plane of any roof slope which fronts any road	(Class B1 (b)i,ii) Not permitted if any part of the dwellinghouse as a result of works extends more than 15 cm's beyond the plane of any roof slope which faces a road and forms either the principal or side elevations of the dwellinghouse	Restriction of 15cm extension beyond plane of any roof slope which faces a road and forms either the principal or side elevations of the dwellinghouse
Class B1 (d) Volume limitation. Dwellinghouse not to increase by 20m ³ ; Terrace House 25m ³ ; Any other case	Cumulative volume limitations no longer used	No longer applicable as cubic content not relevant
Class B1 (e) Volume limitations Cubic content of resulting building not to exceed the cubic content of original dwellinghouse by Terrace House: 50m ³ or 10% whichever is greater; Any other case: 70m ³ or 15% whichever is greater; Any case: by more than 115m ³	Cumulative volume limitations no longer used (Class B1 (c)) Development not permitted if rear roof extension is closer than 0.5 metres to the ridge, the eaves (measured along the plane of the roof) or to any party wall or verge. (Class B2 (b)i,ii,)) Not permitted if any window inserted on a wall or roof slope forming a side elevation of the roof alteration, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be	Cumulative volume limitations no longer used Rear roof extension to be no closer than 0.5 metres to the ridge, the eaves or to any party wall or verge. Side facing windows within 15 metres of a boundary of the curtilage of a neighbouring dwellinghouse should be obscure glazing and non-opening unless more than 1.7 metres above floor level.

Class C Erection or construction of a porch outside any external door of a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of change
Class C1 (a) Design and finishes to conform with those of original	(Class C1 (d)) Materials used in any exterior work should be of similar appearance to those used in existing dwellinghouse	The need to conform to the original design finish is no longer a requirement; materials can be of similar appearance.
Class C 1 (b) Not permitted if the ground area (measured externally) of the structure exceeds 2m ² .	(Class C1 (a)) Not permitted if the ground area (measured externally) of the structure exceeds 3m²	Ground Area (measured externally) limit increased to 3m²
Class C 1 (c) Not permitted if any part of the structure is more than 3metres above ground level	(Class C1 (b)) Not permitted if any part of the structure would be: more than 3 metres above ground level with a Flat or Mono pitched roof, or 3.5 metres with a dual Pitched roof.	Maximum height for Flat or mono-pitched roof 3 metres Dual pitched roof: 3.5 metres.
Class C1 (d) Not permitted if any part of the structure is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road.	(Class C1 (c)) No change (Class C1 (e)) Within the curtilage of a listed building development is not permitted unless listed building consent has previously been granted	No change Within the curtilage of a listed building development not permitted unless listed building consent has been granted
Class E The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.	The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse; or The replacement in whole or in part of such a surface	Class now includes the replacement (in whole or in part) of a hard surface.
Existing Tolerance	Proposed Tolerance	Summary of change
	(Class E1) New Conditions: Where the hard surface is situated on land between a wall forming the principal elevation of the dwellinghouse and a road and the area of ground covered by the hard surface or the hard surface replaced would exceed 5m ² , either the hard surface shall be made of porous or permeable materials or run off provisions shall be made to direct run-	New Conditions: Requirement to either use porous or permeable materials, or to make run off provisions, to direct run-off water from the hard surface to a porous or

	off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse.	permeable area: when hard surface is located between a wall forming the principal elevation of the dwellinghouse and a road and the area of ground covered by the hard surface or the hard surface replaced would exceed 5m ² .
	(Class E2) Development not permitted within the curtilage of a Listed Building, unless Listed Building Consent has previously been granted.	Development not permitted within the curtilage of a Listed Building, unless Listed Building Consent has previously been granted

Class D Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration to such a building or enclosure.		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class D1(a) Not permitted if any part of building or enclosure to be constructed or provided is nearer to any road which bounds the curtilage than the part of the original dwellinghouse nearest to that road.</p>	<p>(Class D1 (b)),ii) Not permitted if any part of building, enclosure would be situated on land forward of a wall which: faces onto a road and forms either the principal or side elevation of original dwellinghouse</p> <p>(Class D1 (e)) Not permitted if any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse.</p>	<p>Not permitted in land forward of a wall which: faces a road and forms either the principal and side elevation of the original dwellinghouse.</p> <p>Not permitted if any part of the building or enclosure is within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse.</p>
<p>Class D1 (b) Volume Limitation: Cubic content not greater than 10m³ and within 5 metres of any part of the dwelling house.</p>	<p>Cubic content measurements no longer used</p>	<p>Cubic content measurements no longer used</p>
<p>Class D1(c) Not permitted if the height of the building or enclosure to be constructed or erected exceeds: 4metres for building with ridged roof and 3 metres in any other case.</p>	<p>(Class D1 (c)) Not permitted if any part of the building or enclosure would exceed 4 metres in height. (Class D1 (d)) Not permitted if within 2 metres of the boundary of the curtilage of the dwellinghouse the height would exceed 2.5 metres.</p>	<p>Maximum height for all buildings 4 metres Within 2 metres of the boundary of the curtilage of the dwellinghouse Maximum height 2.5 metres.</p>
<p>Class D1(d) The total area of ground covered by buildings or enclosures to be constructed or erected within the curtilage (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwelling)</p>	<p>(Class D1 (a)) No change</p>	<p>No change</p>
<p>Class D1(e) In a conservation area, an area of outstanding natural beauty, a National Park or lands within the curtilage of a Listed Building not permitted if the cubic content is greater than 10 cubic metres</p>	<p>(Class D2) In World Heritage Site, National Park, area of outstanding natural beauty Not permitted if total area of ground covered by buildings enclosures, and pools situated more than 20 metres from any wall of the dwelling would exceed 10m². (Class D3) Within the curtilage of a</p>	<p>World Heritage Site, National Park, area of outstanding natural beauty Cubic content measurements no longer used Total area of ground covered not to exceed 10m² when situated more than 20 metres from any wall of the</p>

	<p>dwellinghouse, which is within a conservation area, world heritage site, national park or area of outstanding natural beauty, not permitted if any part of building, enclosure or pool would be situated on land between a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse (Class D1 (i))</p> <p>Within the curtilage of a listed building development not permitted unless listed building consent has previously been granted</p>	<p>dwelling</p> <p>Development not permitted between a principal or side elevation of the dwelling and the boundary of the curtilage of the dwellinghouse</p> <p>Within the curtilage of a listed building development not permitted unless listed building consent has previously been granted</p>
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Class F Erection or provision within the curtilage of a dwellinghouse ,of a container for the storage of oil or liquid petroleum gas for domestic purposes		
Existing Tolerance	Proposed Tolerance	Summary of change
<p>Class F1 (a)</p> <p>Not permitted if the capacity of the container exceeds: 3,500 litres in the case of oil: or 2,500 litres in the case of Liquefied Petroleum Gas</p>	<p>(Class F1 (a))</p> <p>Not permitted if the capacity of the container exceeds 3,500 litres</p>	<p>Capacity limit for both oil and liquid petroleum gas containers now 3,500 litres.</p>
<p>Class F1 (b)</p> <p>Not permitted if any part of the container is above the level of the ground by more than: 3 metres in the case of oil container: or 2 metres in the case of a liquefied petroleum gas container</p>	<p>(Class F1 (b))</p> <p>Not permitted if any part of the container is above the level of the ground by more than 3 metres.</p>	<p>Maximum height : 3 metres for both Oil and liquefied petroleum gas containers</p>
<p>Class F1 (c)</p> <p>Not permitted if any part of container is nearer to any road which bounds the curtilage than the part of the original building nearest that road.</p>	<p>(Class F1 (c),ii)</p> <p>Not permitted if any part of container would be situated on land beyond a wall which: faces onto a road and forms either the principal or side elevation of the original dwellinghouse.</p> <p>(Class F1 (d))</p> <p>Not permitted if any part of container is within 2 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear elevation of the dwelling.</p>	<p>Not permitted in land beyond a wall which: faces a road and forms either the principal and side elevation of the original dwellinghouse</p> <p>Not permitted if any part of container is within 2 metres of any boundary of the curtilage of the dwellinghouse with a road opposite the rear elevation of the dwelling</p>
	<p>(Class F1 (e))</p> <p>Within Conservation Areas</p> <p>Not permitted if any part of container would be situated on land between a wall forming either a principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. (Class F1 (f))</p> <p>Not permitted within the curtilage of a</p>	<p>Within Conservation Areas</p> <p>Now only restricted on land beyond a wall which forms either: the principal or side elevation of the dwellinghouse and the boundary of the</p>

	listed building unless listed building consent has previously been granted	curtilage of the dwellinghouse Not permitted within curtilage of listed building unless listed building consent has been granted
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Class H Installation, alteration or replacement of a chimney, flue, soil and vent pipe on a dwellinghouse		
Existing Tolerance	Proposed Tolerance	Summary of Change
	<p>(Class H1 (a)) Not permitted if the height of the chimney, flue or soil and vent pipes would exceed the highest part of the roof by 1 metre or more.</p> <p>(Class H1 (b),ii) Conservation area, World Heritage Site, National Park or area of outstanding natural beauty. Not permitted if installed on a wall or roof slope which: faces a road and is part of either the principal or side elevation of the dwellinghouse.</p> <p>(Class H1 (c)) If within curtilage of a listed building development is not permitted unless listed building consent has previously been granted</p>	<p>Height not to exceed highest part of the roof by 1 metre or more.</p> <p>Restrictions on development within Conservation area, World Heritage Site, National Park or area of outstanding natural beauty.</p> <p>Not permitted if installed on a wall or roof slope which: faces a road and forms either the principal or side elevation.</p> <p>Listed building consent required if within the curtilage of a listed building, otherwise development is not permitted</p>

**Class I Introduction of new Class:
The erection, construction or alteration of a deck, balcony, veranda or other raised platform within the curtilage of a dwellinghouse**

Existing Tolerance	Proposed Tolerance	Summary of Change
	<p>(Class I1 (a)) Not permitted if any part of the deck, balcony, veranda or raised platform would exceed 0.3 metres above ground level.</p> <p>(Class I1 (b)i,ii) Not permitted if situated on land which: faces onto a road and is forward of a wall forming either the principal or side elevation of the dwellinghouse.</p> <p>(Class I1 (c)) Within Conservation Area Not permitted if any part of the deck, balcony, veranda or other raised platform would be situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p> <p>(Class I1 (d)) If within curtilage of a listed building development is not permitted unless listed building consent has previously been granted</p>	<p>Height Restriction: Maximum height of the deck, balcony, veranda or raised platform is 0.3 metres above ground level</p> <p>Not permitted if situated on land which: faces onto a road and is forward of a wall forming either the principal or side elevation of the dwellinghouse.</p> <p>Within the Conservation Area. Not permitted if situated on land between a wall forming either the principal or side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. Within the curtilage of a listed buildings development not permitted unless listed building consent has previously been granted.</p>

Part 2

Class A Erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class A1(a) Not permitted if the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a road used or designed to be used by vehicular traffic exceeds 1 metre above ground level	(Part 2 Class A1 (a)) No change	No change
Part 2 Class A1 (b) Not permitted if the height of any other gate, fence, wall or means of enclosure erected or constructed exceeds 2 metres above ground level	(Part 2 Class A1 (b)) No change	No change
Part 2 Class A1 (c) Not permitted if the height of any gate, fence, wall or means of enclosure maintained, improved or altered would exceed its former height or the height referred to in subparagraph (a) or (b) whichever is greater.	(Part 2 Class A1 (c)) No change	No change
Part 2 Class A1 (d) Not permitted if it involves development within the curtilage of, or to a gate , fence wall or other means of enclosure surrounding a listed building	(Part 2 Class A1 (e)) New clause added to restrict permitted development within the curtilage of listed buildings unless listed building consent has previously been granted	New clause to restrict permitted development rights within curtilage of listed buildings unless listed building consent has previously been granted
Part 2 Class A1 (e) Not permitted if it involves development on land determined by the Department as a private street in accordance with Article 3(1) of the Private Streets (NI) Order 1980.SI 1999 80/1086 (N.I.12)	(Part 2 Class A1 (d)) No change	No change

Class B Formation , laying out and construction or alteration of a means of access to a Road which is not a special, trunk or classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this part).		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class B1 Not permitted if is within site of archaeological interest	(Part 2 Class B1) Now restricted within site of archaeological significance and ASSI.	Retention of restriction within site of archaeological interest and addition of ASSI restriction.

Class C Painting of the exterior of any building or work		
Existing Tolerance	Proposed Tolerance	Summary of Change
Part 2 Class C1 Not permitted where the painting is for the purposes of advertisement, announcement or direction	(Part 2 Class C1(a)) No change	No change
	(Part 2 Class C1(b)) Painting is not permitted within curtilage of a listed building unless listed building consent has previously been granted	Painting is not permitted within curtilage of a listed building unless listed building consent has previously been granted

Appendix 2
Non-Householder Permitted Development Consultation

Non-householder Summary

Introduction

The purpose of this paper is to seek the comments and views of the public and all interested parties on changes to permitted development rights for non-householder developments in Northern Ireland.

In June 2008 the Northern Ireland Planning Service commissioned Entec UK Ltd to undertake research to inform the Review of the PD rights provided by the GDO in relation to non-householder development. The Planning Service commissioned the examination of PD rights with a view to simplifying and extending them, providing that they do not adversely affect interests of acknowledged importance, including the protection of residential amenity. The recommendations of the Entec UK Ltd (2009) Report, *Review of Non-Householder Permitted Development Rights* ("the Review") are the basis for the consultation questions posed throughout this document. The Review took as its starting point those parts of the GDO which offered the greatest potential for extending PD rights and the related constraints and conditions, as opposed to considering each individual part of the GDO.

The recommendations are therefore made for parts of the GDO, or in some cases new parts, where demand for change was identified through a combination of the following factors:

- A saving in planning application numbers;
- Where PD rights are significantly different in the rest of the UK and the Republic of Ireland;
- Stakeholder responses indicate significant demand; and/or
- Previous reviews in Northern Ireland or the rest of the UK suggest demand for change. Also considered are the means by which PD rights may be made more accessible and easier to understand; these are discussed in the cross-cutting sections.

As part of planning reform it is proposed to split the current GDO into two parts with that part relating to permitted development, becoming a new General Permitted Development Order (GPDO).

It is not necessary to answer all the questions in this document; there may be specific sections that are particularly relevant to you and/or your organisation. The cross-cutting themes are however relevant to all sectors with PD rights. To help guide you through the remainder of this paper, the structure is outlined below:

The paper contains proposals under the following headings:

- Industry & Research & Development
- Waste Management
- Telecommunications
- Commercial/ Retail
- Rural Areas
- Institutions, community facilities, leisure & recreation
- Utilities
- Minerals

Appendix 3
Microgeneration Permitted Development Consultation

Microgeneration Summary

Introduction

Microgeneration permitted development rights associated with **non-domestic land uses**

The primary purpose of this consultation document is to obtain the comments and views of the public and interested parties on the provision of permitted development rights for small scale renewable energy development ('microgeneration') associated with non-domestic land uses, that is, land uses that are not associated with dwellinghouses.

Microgeneration permitted development rights within the **curtilage of a dwellinghouse**

This section of the consultation document follows on from the previous consultation initiated by the Department of the Environment (the 'Department') in January 2007 regarding permitted development rights for microgeneration within the curtilage of a dwellinghouse. That consultation exercise has now been completed and consultation responses considered. A copy of the policy review, consultation paper, responses and the Department's summary analysis can be seen on the Planning Service Website at www.planningni.gov.uk. A draft Statutory Rule providing certain permitted development rights for domestic microgeneration has been prepared and is reproduced at Annex 1. The Department welcomes views on both the draft Statutory Rule and the previous consultation exercise and has posed a number of questions within Annex 1 to assist consideration.

Background

Microgeneration is generally regarded as a renewable or low carbon technology with a rated output of between 45-50kW. The energy produced can be in the form of electricity or heat. For the purposes of this consultation document however the term microgeneration is for convenience only with no specific upper limit on what can be defined as microgeneration, beyond a general assumption that it refers to equipment that can generate electricity or heat primarily to address the needs of the non-domestic land use on which it is located, i.e. it is not being used for the commercial generation of electricity for sale.

This consultation paper and the supporting policy consideration document has reviewed microgeneration technologies that are relatively well developed and likely to benefit quickly from amendments to permitted development rights. These technologies are solar, wind, hydro, heat pumps, biomass (including anaerobic digestion) and combined heat and power (CHP). A copy of the policy consideration document is available at www.planningni.gov.uk.

In general these technologies can be split into two main categories: those that generate electricity or heat from a renewable energy resource (such as wind, solar, hydro, heat pumps and biomass) and those that enhance the efficiency of energy generation and can generate close to the consumer (CHP). The technologies can be used to produce one, or both, of the two main forms of energy that we use - heat and electricity.

In numerical terms, the energy demands at the lower end of non-domestic land uses, such as a small corner shop could have a total energy demand similar to that of a

dwellinghouse. Conversely, large industrial operations can be energy intensive and require large amounts of electricity and/or heat.

The GDO does not specifically provide permitted development rights for microgeneration equipment in non-domestic land uses. The introduction of specific permitted development rights for microgeneration technology development will help to clarify and strengthen the Department's existing legislative provision and facilitate the potential for take-up of microgeneration equipment.

To assist consideration of what types of microgeneration development might be granted permitted development rights, a Report on the Review of Permitted Development for Non-domestic Small Scale Renewable Energy Development produced for the Department by ENTEC UK Ltd has been published ("the Review") alongside this consultation paper. The recommendations made in the report are those of Entec UK Ltd. The Department will indicate its intentions when it has had an opportunity to consider the responses to this consultation by way of a 'response to consultation' document published on the Planning Service internet site.

This Review takes as its starting point that permitted development rights for non-domestic microgeneration should be at least on a par with those proposed for dwellinghouses. In light of the generally greater energy requirements of non-domestic land uses, however, proposals are made to expand non-domestic microgeneration permitted development rights beyond those proposed for dwellinghouses where it is considered that this can be done without increasing the risk of adverse impacts associated with such development.

For purposes of clarity it is proposed to provide new permitted development rights for microgeneration in non-domestic land uses in a separate part within Schedule 1 to the GDO.