

Review of Permitted Development Rights

- Development by Electronic Communications Code Operators
- Non-Domestic Roof Mounted Solar Photovoltaic (PV) Panels
- Shops, Financial and Professional Services Establishments
- Electric Vehicle Charging Points

Public Consultation



Department of the
Environment

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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 document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 30th June 2016 in one of the following ways:

1. **By post** to:
Review of Permitted Development Rights Consultation
Planning Policy Division
Level 5 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG
2. **By e-mail** to: ppdconsultations@doeni.gov.uk

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at www.planningni.gov.uk. Before you submit your response please read Annex D, 'Freedom of Information Act 2000 – Confidentiality of Consultations'.

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 or requested via the postal address, e-mail as above, by telephone on (028) 90823497 or by Text phone (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 also 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.

Introduction

Purpose of the consultation

- 1.1 This consultation document forms part of the continuing review of permitted development rights being undertaken by the Department of the Environment. The Department is seeking your views on a range of proposals in relation to permitted development rights for:
- Development by Electronic Communications Code Operators;
 - Non-Domestic Roof Mounted Solar Photovoltaic Panels
 - Shops, Financial and Professional Services Establishments; and
 - Electric Vehicle Charging Points.
- 1.2 The Department is continuing its review of permitted development rights in light of its approach to better regulation. This is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals (and reducing any associated costs) and protecting the environment, amenity and public safety.
- 1.3 Permitted development rights are currently provided for telecommunications development, non-domestic solar panels and shops and can be viewed in the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 at <http://www.legislation.gov.uk/nisr/2015/70/schedule/made>.

Prior Approval

- 1.4 England, Scotland and Wales base some of their permitted development rights on a prior approval system which means that before commencing development the developer must make an application to the local planning authority for a determination as to whether the prior approval the authority is required.
- 1.5 Northern Ireland does not currently have a prior approval system although provisions did previously exist for certain types of permitted

development (particularly for telecommunications). However, those prior approval provisions were subsequently removed as it was considered that they introduced a level of complexity and an administrative burden to the system contrary to the intention to extend permitted development rights in order to relieve pressure on the planning system.

- 1.6 An overwhelming majority of respondents to the 2009/10 consultation¹ on permitted development rights for non-householder development were in agreement that a prior approval system should not be re-introduced in Northern Ireland. The Department intends to maintain this position. The proposed new permitted development rights will include limitations and constraints which together will form an impacts based approach. This strikes the right balance in providing flexibility for those undertaking minor development while protecting amenity and the environment.

Article 4 Directions

- 1.7 Directions made under Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 restricting permitted development can be used by planning authorities to remove specific permitted development rights in specific areas.
- 1.8 Although Article 4 powers have been infrequently used in Northern Ireland, it is important to highlight that the option of issuing an Article 4 direction is available to each council as the local planning authority should they wish to restrict particular development in a specified geographical location. Elsewhere in the UK they have been most regularly applied to add extra protection for conservation areas or to protect the setting of a listed building.

¹ Review of Non-Householder Permitted Development Rights – October 2009

Development by Electronic Communications Code Operators

- 2.1 In Northern Ireland Part 18 of the Schedule to the Planning (General Permitted Development) Order 2015 (GPDO) currently provides permitted development rights for Electronic Communications Code Operators e.g. Vodafone, EE, Virgin and BT, subject to a number of limitations and conditions. Although the position in the other UK planning jurisdictions varies from one to another it is apparent that the current system of permitted development rights for network operators in Northern Ireland is the most restrictive.
- 2.2 Improving our digital infrastructure is vital to Northern Ireland's economy. Planning has a crucial role to play in supporting delivery of this infrastructure and facilitating appropriate proposals which deliver a high level of digital connectivity whilst ensuring the provision of such infrastructure is sited and designed to keep environmental impacts to a minimum. The Department is committed to removing unnecessary legislative requirements to lighten the regulatory burden where appropriate and is therefore seeking views on proposals in relation to permitted development rights for telecommunications network development for:-
- Masts and associated apparatus;
 - Apparatus and antenna mounted on buildings;
 - Emergency apparatus;
 - Sensitive Areas;
 - New and replacement telegraph poles; and
 - Equipment housing.
- 2.3 Existing requirements under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) ("the Electronic Communications Code Regulations") remain. These Regulations, which apply across the whole of the UK, set out specific

restrictions and conditions to which code operators are subject, relating to such matters as the installation of lines and electronic communications apparatus, the use of conduits and the maintenance and safety of apparatus. This in effect requires all electronic communications code operators to give the planning authority notice stating their intention to install electronic communications apparatus, describing the apparatus and identifying the proposed location.

- 2.4 The proposals set out in this consultation document take cognisance of the particular needs associated with a range of sensitive areas. The approach to accommodating extended permitted development rights in such circumstances is set out in paragraphs 2.24 to 2.30 on Sensitive Areas.

Masts and Associated Apparatus

- 2.5 At present in Northern Ireland the installation of a new mast requires planning approval and this will continue to be the case. Any new telecommunications mast will require a formal application for planning permission which will be subject to the normal requirements of public notification and consideration by the relevant planning authority. The current permitted development rights for existing masts allow an increase of up to 10% of the original permitted height. This degree of increase, however, is considered too limiting in relation to the installation of additional new equipment which may require greater separation distances in order to avoid interference and operate more efficiently.
- 2.6 We therefore propose to extend permitted development rights for existing masts. For a mast of an existing permitted height of 50m or less the increase in height proposed is 5m. On small masts this would allow sufficient space for the installation of additional apparatus, enabling accommodation of (potentially) larger 4G antenna yet allowing the necessary separation of antennas to prevent interference. Allowing

greater increases in dimensions would encourage greater use of existing sites and make upgrading of equipment simpler.

- 2.7 For existing masts over 50m in height we propose to permit an increase of up to 15% of the permitted height of the original mast. The taller the mast, the less an extension would appear out of context and such an increase would be unlikely to materially change the overall relationship of the mast with its setting. We consider that such increases would be quite rare as most masts of this size have capacity to accommodate a certain amount of additional equipment designed into the initial application.
- 2.8 As increasing the height of a mast or adding additional equipment may also require a corresponding increase in its width to ensure stability we propose to permit the width of a mast to be increased by up to 1m or 1/3rd of the original width of the mast (taken from the widest point of the original mast) whichever is the greater. This approach would further encourage mast sharing. These proposals reflect the approach adopted in Scotland in 2014.
- 2.9 For clarification purposes we propose to include a specific limitation which restricts a replacement mast from changing location by more than 4 metres from its current location. This is a much clearer and easily understood limitation than the current condition which stipulates that a replacement mast must be installed as close as is practicably possible to the mast it is replacing. This would again align with the approach adopted in Scotland.

Proposals

- 2.10 We are proposing:-
- permitted development rights for masts and equipment on masts providing an:-

- a) increase in the overall height of an existing mast of up to 5 metres where the overall size is 50 metres or less in height or up to 15% of the original height where the overall size is more than 50 metres in height;
- b) increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of one metre or one third of the original width of the structure whichever is the greatest;
- a limitation which requires a replacement mast to be sited within 4 metres of the existing mast.

Question 1: Do you agree with the above proposals in relation to masts and associated apparatus?

Apparatus and Antennas Mounted on Buildings

2.11 Currently in Northern Ireland the installation of antennas on a building by Electronic Communication Code Operators is not permitted development. The other UK jurisdictions provide such permitted development rights subject to a number of limitations.

Small Antennas

2.12 Small antennas offer an unobtrusive, low impact means of providing improved coverage in specific areas. Such antennas are often no larger than a standard fire or burglar alarm casing. We propose to permit up to 2 small antennas on, or within the curtilage of, a dwellinghouse and up to 8 small antennas on a building which is not a dwellinghouse or not within the curtilage of a dwellinghouse.

2.13 The introduction of such permitted development rights requires a definition of a small antenna. Scotland use one definition for a small antenna which we consider to be a simpler approach than split

definitions in the other UK jurisdictions and therefore the Department proposes to introduce a definition the same as that in Scotland².

2.14 Communication waves travel in straight lines and the majority of telecommunications traffic will come from passing users, so small antennas facing away from a road will do little to increase coverage. We recognise that there may be a minor visual impact, but, given that these antennas will generally have no more visual impact than, for example, burglar alarm casings, we believe that this impact would be minimal. We therefore do not consider limitations in areas of outstanding natural beauty, areas of special scientific interest etc. to be necessary as these areas are considered large enough so as not to be substantially impacted by the installation of small antennas which face a road.

2.15 However, to be consistent with our current permitted development rights for other categories of development in conservation areas we propose to include a restriction that any installation, alteration or replacement of a small antenna on any building (including a dwellinghouse or within the curtilage of such a building or dwellinghouse) must not face on to a road in a conservation area.

Antenna Systems

2.16 Typically an operator needs 3 to 4 antennas (an antenna system³) and probably several transmission dishes to provide all-round coverage and links to the rest of the network. Making it easier for more than one operator to use the same building without the need for planning

² "Small antenna" means an antenna which—
(i) operates on a point to multi-point or area basis in connection with an electronic communications service;
(ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
(iii) does not, in any two dimensional measurement, have a surface area exceeding 5000 square centimetres; and
(iv) does not have a volume exceeding 50,000 cubic centimetres;
and any calculation for the purposes of paragraphs (iii) and (iv) is to include any power supply unit or casing but excludes any mounting, fixing, bracket or other support structure."

³ "Antenna system" means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code.

permission would allow greater utilisation and sharing of sites without the proliferation of equipment across many different buildings.

- 2.17 We propose to permit up to 4 antenna systems on buildings where the systems are located less than 15m above ground level and up to 5 antenna systems when located more than 15metres above ground level with limitations on the dimensions of individual antenna within the system and on the size of the supporting apparatus⁴.
- 2.18 We have opted for an antenna systems approach as opposed to restrictions on the number of antennas to allow flexibility, as limitations on numbers of antennas may mean that in practice only one operator could get maximum usage of a prime site and others would need to consider alternative sites. This could result in reduced or less than optimum coverage which would, consequently, have the undesired effect of requiring more sites to ensure service. With an antenna systems approach, space can be shared and more antennas added within the limitations on dimensions. The Department considers that the visual impact of greater usage of one site is offset by the reduction in the need for multiple sites to achieve the same effect.
- 2.19 The installation, alteration or replacement of an antenna system or apparatus on a building will not be afforded permitted development rights in sensitive areas e.g. conservation areas, areas of outstanding natural beauty or areas of special scientific interest.

Apparatus

- 2.20 Finally, in terms of any apparatus we propose size limitations of up to 6 metres in height and 2 metres when measured horizontally which should give operators the ability to site for example single antennas

⁴ Development more than 15 metres above ground level – any individual antenna must not exceed 6 metres in height or 1.3 metres when measured horizontally and the antenna system and its supporting apparatus must not exceed 6 metres in height; development less than 15 metres above ground level – any individual antenna must not exceed 3 metres in height or 0.9 metres when measured horizontally and the antenna system and its supporting apparatus must not exceed 6 metres in height.

further back from the edge of the building. This has the potential to bring more buildings into use, increase the opportunity to site apparatus sympathetically and reduce overall visual impact as well as enabling the installation of larger 4G antenna.

Proposals

2.21 We are proposing:-

- permitted development rights for up to 2 “small antenna” on or within the curtilage of a dwellinghouse and a maximum of 8 “small antenna” on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse and;
- a limitation that “small antenna” on any building including a dwellinghouse or within the curtilage of a such a building or dwellinghouse must not face on to a road in a conservation area;
- a definition of “small antenna” the same as the definition currently used in Scotland;
- permitted development rights (except in sensitive areas) for up to 4 antenna systems on a building located less than 15m above ground level, or up to 5 antenna systems when located more than 15m above ground level;
- permitted development rights (except in sensitive areas) for apparatus on a building which could include a mast or a dish antenna of up to 6 metres in height and 2 metres when measured horizontally;

Question 2: Do you agree with the above proposals in relation to apparatus and antennas mounted on buildings?

Emergency Apparatus

2.22 Currently, Part 18 of the GPDO includes provisions that allow for the emergency use of land or siting of apparatus for up to 6 months. The apparatus must be removed before the expiry of the 6 month period. The telecommunications industry does not consider that this allows

sufficient time for the necessary work, including administrative processes, ordering and manufacture of new permanent equipment and the installation of that equipment.

Proposal

- 2.23 We therefore propose amending the current 6 month period to 12 months as we consider it to be more appropriate to current working practice. It will also align Northern Ireland with the current position in Scotland.

Question 3: Do you agree with the above proposals in relation to emergency apparatus?

Sensitive Areas

- 2.24 At present Part 18 of the Schedule to the GPDO restricts development by Electronic Communications Code Operators in sensitive areas i.e. conservation areas, areas of outstanding natural beauty, areas of special scientific interest, World Heritage Sites, sites of archaeological interest and listed buildings by way of limitations and constraints.
- 2.25 The other UK jurisdictions are not as restrictive in sensitive areas. This is because under the Electronic Communications Code Regulations installation in conservation areas, national nature reserves, areas of special scientific interest, marine nature reserves and to listed buildings and ancient monuments may only proceed where the planning authority has not objected in writing to the installation of the apparatus within 56 days of the required notice being given.
- 2.26 However, as the Electronic Communications Code Regulations do not specifically refer to sites of archaeological interest (SAI) or World Heritage Sites the Department wants to ensure they remain protected. We therefore propose to retain the current limitation that development is not permitted if the land is within a SAI unless it involves the

installation of new overhead lines supported by existing poles. The same constraint will apply in World Heritage Sites to ensure equal protection of both.

- 2.27 For consistency purposes with existing permitted development rights for other categories of development we propose to protect listed buildings by introducing a limitation that permitted development rights can only be exercised where listed building consent for the development has previously been granted.
- 2.28 Conservation areas, areas of outstanding natural beauty and areas of special scientific interest will continue to be protected by certain limitations and constraints in a similar way as present. Any specific changes proposed in relation to these areas are highlighted in the relevant topic areas in this document.
- 2.29 It should also be noted that where an Environmental Impact Assessment is required, permitted development rights do not apply and a planning application would have to be submitted. There are also restrictions on the exercise of permitted development rights where the proposed development is likely to have a significant effect on a European Site (as defined by regulation 9 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995).

Proposals

- 2.30 We are proposing:-
- a limitation that in the case of a listed building permitted development rights can only be exercised where listed building consent for the development has previously been granted;
 - retaining the current limitation that development is not permitted if the land is within a site of archaeological interest unless it involves the installation of new overhead lines supported by existing poles;

- introducing a limitation that development is not permitted in a World Heritage Site unless it involves the installation of new overhead lines supported by existing poles.

Question 4: Do you agree with the above proposals in relation to sensitive areas?

New and Replacement Telegraph Poles

- 2.31 The provision of new telecommunications lines is also governed by the Electronic Communications Code Regulations, which until relatively recently required that all new telecommunication lines had to be buried underground, except where lines already existed or where there was no viable alternative. The Regulations were amended in June 2013 to remove this restriction.
- 2.32 The changes to the Electronic Communications Code Regulations provide an opportunity for telecommunication provision to be extended to communities where the requirement for underground cables previously made this unviable. These would generally be smaller, more rural communities. Therefore in order to maximise the potential for such communities to benefit from the changed legislation we propose to extend permitted development rights to allow the installation of new or replacement telegraph poles and the installation of new overhead lines on such poles within sensitive areas e.g. a conservation area, an area of outstanding natural beauty or an area of special scientific interest. This will align with the other UK jurisdictions and the position in non-sensitive areas.
- 2.33 Most communities already have phone lines in place so we would not expect that such a relaxation would lead to large numbers of new poles being installed. The measure would, however, allow for existing poles to be replaced with poles capable of carrying some additional cables. The impact on the urban and rural landscape is therefore likely to be

negligible.

Proposal

- 2.34 We propose extending permitted development rights for the installation of new or replacement telegraph poles and the installation of new overhead lines on such poles to include conservation areas, areas of outstanding natural beauty or areas of special scientific interest.

Question 5: Do you agree with the above proposals in relation to new and replacement telegraph poles?

Equipment Housing

- 2.35 At present in Northern Ireland equipment housing ancillary to the use of any other electronic communications apparatus is permitted up to a size of 90 cubic metres, or 30 cubic metres if located on a roof, but is not permitted on a listed building or in a sensitive area e.g. in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a World Heritage Site.
- 2.36 As stated previously the other UK jurisdictions are not as restrictive in sensitive areas due to the protection afforded by the Electronic Communication Code Regulations.

Proposal

- 2.37 We therefore propose to extend the current permitted development rights for equipment housing to include installation in for example conservation areas, areas of outstanding natural beauty or areas of special scientific interest. While this would mean that an Electronic Communications Code Operator would not be required to submit an application for planning permission the Operator would still be required under the Code to notify the relevant council as local planning authority. As indicated above, in the case of a listed building, permitted

development rights can only be exercised where listed building consent for the development has previously been granted.

Question 6: Do you agree with the above proposals in relation to equipment housing in sensitive areas?

Non-Domestic Roof Mounted Solar Photovoltaic (PV) Panels

- 3.1 In Northern Ireland the Planning (General Permitted Development) Order (NI) 2015 (GPDO) in Part 37, currently provides permitted development rights for non-domestic rooftop solar photovoltaic (solar PV) up to 50kW (microgeneration limit) subject to a number of limitations and conditions which mainly deal with positioning and limitations on the areas in which the rights may be exercised (namely conservation areas and Listed Buildings). The Department believes that in general the Permitted Development rights for non domestic microgeneration are appropriate.
- 3.2 However, the Department is of the opinion that clear environmental and economic benefits could come from further extending permitted development rights for roof-mounted solar PV on existing commercial buildings. Taking advantage of this currently under-utilised space could:
- support sustainability through the re-use of buildings and increased use of solar panels on commercial buildings;
 - enable NI to meet its targets for renewable energy usage;
 - promote speedier, more cost effective and responsive service for the Solar PV industry and energy consumers; and
 - support further growth in the economy.
- 3.3 England relaxed their permitted development rights in respect of non-domestic solar PV following a Technical Consultation on Planning in July 2014 by the Department for Communities and Local Government. Permitted development rights were extended to include rooftop solar PV on non-domestic properties with a generation capacity of up to one megawatt (1 MW). England's prior approval system means that before beginning the development the developer must make an application to the local planning authority for a determination as to whether the authority's prior approval will be required for the design or external

appearance of the development. This would include the impact of glint and glare on occupiers of neighbouring land. This allows a local planning authority a time period of 56 days to decide if a proposed installation will have unacceptable impacts on its neighbours and should instead be the subject of a formal application for planning permission. As stated previously the Department wishes to avoid the introduction of a prior approval system which can introduce a degree of bureaucratic burden which permitted development is intended to lighten.

- 3.4 Scotland has recently consulted on proposals to change permitted development rights for non-domestic microgeneration equipment including solar PV. There is no prior approval system in Scotland. The proposals included having no capacity limit on the amount of electricity an array can generate before planning permission is required (currently this is restricted to 50kw in Scotland) and the removal of the current exclusion on solar PV permitted development within 3 kilometres of the perimeter of an aerodrome or technical site. Other restrictions on design and location of arrays were also included. A response from the Scottish Government is anticipated in the near future.
- 3.5 Wales currently provide permitted development rights for non domestic solar panels which are basically similar to those currently used in Northern Ireland.
- 3.6 In the Republic of Ireland overall exempted development for solar PV is broadly similar for industrial buildings as that currently provided in Northern Ireland for the installation of non-domestic solar PV but more restrictive in certain circumstances for business premises and light industrial buildings.

Likely impact extending solar PV permitted development in Northern Ireland

- 3.7 Northern Ireland already has some large scale roof mounted solar PV arrays. The most prominent of these are the Bombardier building (an array covering approximately 50,000 m² generating 3.8 MW) and Kingspan Environmental Ltd in Portadown (18,000m² and 1.3 MW). Other smaller arrays have been installed at Belfast Metropolitan College (125 kW) and Queens University (56 kW). While the Bombardier and Kingspan PV systems fall beyond the 1 MW upper limit for permitted development proposed in this consultation, and would thus have still required planning permission, their scale provides a yardstick to estimate the sort of roof coverage that might be brought under permitted development by the new proposals. The Department estimates that an upper limit of 1MW, as permitted in England, would allow up to 4000 average size PV panels covering a rooftop of approximately 8–1000m². Industry representatives estimate that there are around 300 non-domestic properties in Northern Ireland with the necessary roof area to accommodate a 1MW array. Clearly, however, the fact that a rooftop is big enough is no guarantee that it is structurally sound enough to support the required equipment.
- 3.8 The fact that the solar PV arrays will all be installed on rooftops will reduce their impact on amenity when observed from ground level. All the existing restrictions on design and location that allow microgeneration arrays (less than 50kw) to benefit from permitted development will also apply to on arrays in the proposed 50kW – 1MW range (see below). Installations on flat roofs, even though the PV panels will be set at an angle to catch the sunlight, should be difficult to see from ground level.
- 3.9 However the potential impact on observers above ground level is likely to be more significant. In particular the aviation industry has voiced concerns about the possible effects of reflections from solar PV array.

These relate to glint (which is the direct reflection of the sun) and glare (which is the reflection of the brightness of the sky) which the aviation industry considers could affect pilots and air traffic controllers and have implications for aircraft safety. Solar PV panels are intended to absorb rather than reflect sunlight and the use of low reflective glass is now generally standard in the industry.

3.10 The Scottish Government had previously applied a limitation on the installation, alteration or replacement of solar PV up to 50kw capacity within 3km of the perimeter of an aerodrome or technical site. Scotland's recent consultation for solar PV above 50kw has proposed removing this restriction.

3.11 There is no doubt that airports and solar PV can co-exist. Many examples can be found in countries where the amount of sunlight and thus the potential for glint and glare are much greater than in Northern Ireland. The proximity of the Bombardier installation to George Best Belfast City Airport is a prime local example. Another array lies close to the boundary of Belfast International Airport. This shows how Solar PV arrays can be accepted provided that development addresses airport concerns. The challenge in extending permitted development rights is to ensure that airport concerns can be suitably addressed.

Changes to existing Permitted Development Rights

3.12 The Department is proposing a new class of permitted development for solar PV panels extending from the existing 50kw microgeneration limit up to 1mw. The proposals relate to **rooftop** non-domestic (buildings other than dwelling houses or blocks of flats) solar PV installations only.

3.13 This proposal would ease the restrictions on solar PV installation, but the Department recognises that unrestricted solar PV development could create problems for local airports.

- 3.14 To address any potential issues in relation to airports we propose the introduction of a prior notification system for solar PV panels above the existing 50 kW and up to 1MW within a set distance of an airport. This should provide a suitable opportunity for a council to liaise with the airport to identify any issues and, if necessary, to remove the permitted development rights and require the submission of a formal application for planning permission. A similar prior notification system already operates in relation to the exercise of permitted development rights for mineral exploration (see Part 16 class A1 of the GPDO).
- 3.15 Thus the Department is proposing a similar prior notification system for solar PV in the new 50kW – 1MWpermitted development band. Proposed developments will have to meet a new condition of notifying the relevant council if they are located within 3km of an airport. The notification must provide details in relation to: the location of the development; details on design and orientation; and the increase in height to the building as a result of the installed array. The council will then have a defined time period of 56 days to consider removing permitted development rights via an Article 4 Direction under the GDPO. The development will be free to proceed if no response is received within the 56 days.
- 3.16 All the existing restrictions in class 37 of the GDPO applying to microgeneration solar PV installations of 50kw and below, will also apply to those in the 50kW – 1MW band. They are repeated below, along with the new conditions that will only apply to the new permitted development class.

Proposals

- 3.17 The proposals relate to **rooftop** non-domestic (buildings other than dwelling houses or blocks of flats) solar PV installations only.

3.18 Development will not be permitted if:

- Any part of the solar PV equipment protrudes any more than 20 centimetres beyond the plane of any existing roof slope which faces onto or is visible from a road;
- Any part of the solar PV would be installed on a flat roof where the highest part of the solar PV would be higher than 2 metres above the highest part of the roof (excluding any chimney);
- Any part of the solar PV would be installed on a flat roof and be within 2 metres of the external edge of that roof;
- Any part of the solar PV would extend beyond the edge of the existing roof slope;
- Any part of the solar PV would exceed the height of the existing ridged roof ;
- In the case of a conservation area or World Heritage Site the solar PV would be installed on a roof slope which faces onto and is visible from a road;
- The solar PV would be installed within the curtilage of a listed building unless listed building consent for the development had previously been granted, or
- The developer has not previously notified the council in writing giving details of the installation at least 56 days before commencement.

3.19 In addition the following conditions will be imposed:

- The development shall be carried out in accordance with the details contained within the developer's written notification to the council, unless the council otherwise agrees in writing
- The solar PV must be so far as is practical be sited so as to minimise its effect on the normal appearance of the building
- The solar PV must be so far as is practical be sited so as to minimise its effect on the amenity of the area, and
- The solar PV no longer needed for microgeneration must be removed as soon as reasonably practical.

Question 7: Do you agree that the upper limit of 1 megawatt capacity for roof mounted non-domestic solar PV permitted development is appropriate for Northern Ireland?

Question 8: Do you agree with the introduction of a 56 day prior notification period for PV solar panels within 3km of an airport?

Shops, Financial and Professional Services Establishments

- 4.1 Permitted development rights for shops, financial and professional services establishments are provided for by Part 34 of the Schedule to the GPDO. There has been interest from the Northern Ireland Assembly in further liberalisation to support businesses in the current economic climate, enabling businesses to undertake works without the need to apply for planning permission.
- 4.2 Currently, in Northern Ireland the permitted development rights for an extension to a shop or financial or professional services establishments is 25% of the original floorspace or 50 square metres, whichever is the lesser, and permitted development is subject to certain conditions. Permitted development rights do not apply if the land is within:-
- a World Heritage Site;
 - a conservation area;
 - an area of special scientific interest;
 - a site of archaeological interest; or
 - within the curtilage of a listed building.
- 4.3 In England, since April 2015, the permitted development rights for an extension to shops or professional services establishments is 50% of the original floorspace or 100 square metres, whichever is the lesser. However, if the land is within a sensitive site such as World Heritage Site, an area of outstanding natural beauty, conservation area or an area of special environmental interest then the permitted development rights are 25% of the original floorspace or 50 square metres, whichever is the lesser. In Scotland the permitted development rights for an extension to shops, or financial or professional services establishments is 25% of the original floorspace or 100 square metres, whichever is the lesser. Scotland similarly has restrictions to the permitted development rights and permitted development is not allowed in its World Heritage Sites, conservation areas etc.

Proposals

- 4.4 The Department proposes that there is scope to increase the existing permitted development rights for extensions to 50% of the original floorspace or 100 square metres without any detrimental implications on the planning system as a whole. This proposal would give some additional latitude to businesses that wish to extend their premises without the need to apply for planning permission. It is difficult to estimate how many potential future developments this would benefit, but it may be particularly beneficial to smaller businesses by removing the cost, time and administrative burden of applying for planning permission.
- 4.5 If such enhanced permitted development rights were introduced, the Department would, however, retain its policy that they would not apply if the development lay within certain areas e.g. a World Heritage Site; an area of special scientific interest; a conservation area; a site of archaeological interest etc.

Question 9: Do you agree with the above proposals on extending the permitted development rights for an extension to a shop or financial or professional services establishment?

Shop Loading Bays

- 4.6 In April 2015, new permitted development rights were introduced in England for the modification of shop loading bays where the size of the original loading bay, when measured in any dimension, would not be increased by more than 20%. The permitted development is subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.
- 4.7 A “loading bay” for the purpose of permitted development means any facility, including vehicle ramps, for the loading or unloading of goods

vehicles. It is worth noting that the permitted development rights do not specify a limit on the area which the modification may cover.

Proposals

- 4.8 The Department proposes that the introduction of similar permitted development rights in Northern Ireland could allow greater flexibility for loading and unloading so reducing the time vehicles spend on the premises. This may be of benefit as it could lead to a reduction in the time taken to load or unload deliveries or collections but equally if the extension is permitted it could also support increased business activity.
- 4.9 There is no specified upper limit proposed on the area which a modification might cover, as loading bays may vary in size and scale. The extension may, however, involve an increase to the height of the loading bay as opposed to an increase in its length or breadth. The Department considers that the 20% limit, as introduced in England, is sufficient in itself as it would in all cases be proportionate to the size of the original loading bay.
- 4.10 As with extensions to shops, the development rights would not apply if the land is within:-
- a World Heritage Site;
 - a conservation area;
 - an area of special scientific interest;
 - a site of archaeological interest; or
 - within the curtilage of a listed building

Question 10: Do you agree with the proposal to introduce permitted development rights for extensions to loading bays?

Electric Vehicle Charging Points

- 5.1 Cars, motorcycles and light duty trucks currently account for 13% of greenhouse gas emissions. The Northern Ireland Executive Programme for Government 2011-15 set a target of a 35% reduction in greenhouse gas emissions by 2025 from the base year (1990). Electric vehicles which use energy from renewable sources have the potential to offer very substantial carbon savings. An additional benefit is that electric vehicles do not emit air pollutants such as particulate matter, and nitrogen dioxide, which is of particular benefit for air quality in pollution "hot spots" such as city centres. As a result the UK Government has introduced a range of financial incentives to encourage the use of electric vehicles.
- 5.2 As part of the effort to promote the uptake of electric vehicles the Department for Regional Development (DRD), along with a number of other bodies, have installed 350 electric vehicle charging points across Northern Ireland. A map which shows the location of these charge points is available on-line at <https://www.ecarni.com/charge-point-map>.
- 5.3 This charging infrastructure can be accessed by a simple swipe card, which the ecar Project issues to anyone registering their electric vehicle through the website ["www.ecarni.com"]. The number of cards registered by 30 October 2015 was 919. Given the long term commitment to reduce carbon emissions from transport, it is likely that government will continue to offer financial incentives to encourage the use of electric vehicles. As a result it is likely that the number of electric vehicles will continue to increase in the future.
- 5.4 Wide scale take-up of electric vehicles will require a comprehensive network of electric vehicle charging points to reassure drivers that they will be able to recharge their vehicles whenever and wherever needed.

- 5.5 Electric vehicle charging points that involve the installation of equipment such as an upstand are similar to a parking meter in size and appearance. Where these are to be located outside a building they currently require planning permission. The requirement to obtain planning permission applies regardless of whether the equipment is located within a public or private outdoor car park.

Wider Approaches to Electric Car Usage

- 5.6 Since the introduction of the Plug In Car Grant in January 2011 there have been almost 50,000 new electric vehicle car registrations in the UK (excluding commercial vehicles)⁵. These figures have shown steady growth and the anticipated continued increase in sales is supported in other UK jurisdictions by permitted development rights for electric car charging points.
- 5.7 In England, the requirement to apply for planning permission for the installation of wall mounted or freestanding charging points in an outdoor car park was removed in 2011. The permitted development rights are subject to the limitations and conditions on volume (0.2 cubic metres) and height (1.6m). In the case of wall-mounted charging points there is a particular requirement that they do not “face onto a road”.
- 5.8 In Scotland, the requirement to apply for planning permission for the installation of an electric vehicle charging point in an outdoor car park was removed in 2014. The approach in Scotland is similar to that in England although there are some differences in the precise limitations and conditions. Scotland has the same height restriction of 1.6m and a requirement that a wall mounted charging point must not face onto a road, but, has a higher volume limit of 0.5 cubic metres. Also, in Scotland the installation of freestanding and wall mounted charging points in conservation areas or World Heritage Sites requires the

⁵ SMMT figures January 2016 <http://www.smmmt.co.uk>

submission of a planning application.

- 5.9 The Department believes that the volume restrictions which apply in England (0.2 cubic metres) and the height restrictions which apply in both England and Scotland (1.6 metres) strike the right balance between removing unnecessary planning applications and protecting the character and appearance of the local area.
- 5.10 These dimensions closely align with the equipment which has already been installed in Northern Ireland under the DRD grant scheme for plug-in vehicle charging points on the government and wider public sector estate. These points have:
- a volume of 0.16 cubic metres i.e. less than the maximum volume of 0.2 cubic metre allowed in England; and
 - a height of 1.5 metres i.e. less than the maximum height of 1.6 metres allowed in England and Scotland.
- 5.11 In England and Scotland wall-mounted charging points are allowed provided they do not “face onto a road”, however, free standing charging points are not subject to this orientation restriction. The Department does not believe it is necessary to include an orientation restriction given that free standing points and wall mounted points are likely to have similar limited impacts on amenity. As such this restriction on wall mounted charging points has not been included as part of the proposals.
- 5.12 In England and Scotland charging points are allowed provided they are not “within two metres of a road”. The intention is to address concerns that the charging point would be used by vehicles parked on the public road thereby (among other potential problems) creating a danger to the public from trailing cables. The Department believes that the restriction within 2 metres of a road is a sensible precaution in relation to public

safety and possible issues on trailing cables and would therefore propose its introduction in Northern Ireland.

Proposals

5.13 To further support the use of electric vehicles the Department proposes to remove the requirement to apply for planning permission for the installation of an electric vehicle charging point in a lawful off street car parking area subject to the limitations and conditions set out in Tables 1 and 2. The purpose of these limitations and conditions is to balance the extension of permitted development rights against the need to protect the character and appearance of the local area and public safety.

Table 1: An electrical outlet mounted on an external wall for recharging electric vehicles off-street, subject to the following		
Limitation/condition	Threshold (beyond which any potential impacts would need to be considered through a planning application)	Justification for proposed threshold
Maximum volume	0.2 cubic metres.	To manage visual amenity.
Siting	Not within 2 metres of the nearest part of a public road.	To protect against danger to the public of trailing wires.
Listed buildings and scheduled monuments	Not permitted within the curtilage of a listed building, unless listed building consent has already been granted. Not permitted within a site of archaeological interest.	To protect buildings of special architectural or historic interest and nationally important archaeological sites.
Decommissioning	Should be removed as soon as reasonably practicable if no longer needed for use as a charging point for electric vehicles.	To prevent the accumulation of unused equipment.

Table 2: An upstand for mounting an electric vehicle charging point, and feeder pillar within an outdoor off-street car parking area, subject to the following		
Limitation/condition	Threshold (beyond which any potential impacts would need to be considered through a planning application)	Justification for proposed threshold
Maximum Height	1.6 metres above the surface of the car park.	To manage visual amenity.
Siting	Not within 2 metres of the nearest part of a public road.	To protect against danger to the public of trailing wires.
Listed buildings and scheduled monuments	Not permitted within the curtilage of a listed building, unless listed building consent has already been granted. Not permitted within a site of archaeological interest.	To protect buildings of special architectural or historic interest and nationally important archaeological sites.
Decommissioning	Should be removed as soon as reasonably practicable if no longer needed for use as a charging point for electric vehicles.	To prevent the accumulation of unused equipment.

Question 11: Do you agree with the permitted development proposals for electric vehicle charging infrastructure, as set out in Tables 1 & 2?

Question 12: Do you agree that the permitted development proposals for electric vehicle charging infrastructure, as set out in Tables 1 & 2, should also apply in conservation areas and a World Heritage Site?

Overview of Consultation Questions

Question 1: Do you agree with the above proposals in relation to masts and associated apparatus?	9
Question 2: Do you agree with the above proposals in relation to apparatus and antennas mounted on buildings?	12
Question 3: Do you agree with the above proposals in relation to emergency apparatus?	13
Question 4: Do you agree with the above proposals in relation to sensitive areas?	15
Question 5: Do you agree with the above proposals in relation to new and replacement telegraph poles?	16
Question 6: Do you agree with the above proposals in relation to equipment housing in sensitive areas?	17
Question 7: Do you agree that the upper limit of 1 megawatt capacity for roof mounted non-domestic solar PV permitted development is appropriate for Northern Ireland?	24
Question 8: Do you agree with the introduction of a 56 day prior notification period for PV solar panels within 3km of an airport?	24
Question 9: Do you agree with the above proposals on extending the permitted development rights for an extension to a shop or financial or professional services establishment?	26
Question 10: Do you agree with the proposal to introduce permitted development rights for extensions to loading bays?	27
Question 11: Do you agree with the permitted development proposals for electric vehicle charging infrastructure, as set out in Tables 1 & 2?	32
Question 12: Do you agree that the permitted development proposals for electric vehicle charging infrastructure, as set out in Tables 1 & 2, should also apply in conservation areas and a World Heritage Site?	32

If you disagree with any of these proposals it would be helpful to explain why.

All responses should be made in writing and submitted to the Department no later than 30th June 2016 in one of the following ways:

By post to:

Review of Permitted Development Rights Consultation
Planning Policy Division
Level 5 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

By e-mail to: ppdconsultations@doeni.gov.uk

Annex A – Draft Statutory Rule

STATUTORY RULES OF NORTHERN IRELAND

2016 No.

PLANNING

The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2016

Made - - - - - ?? 2016

Coming into operation - - - - - ?? 2016

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011(a).

Citation and commencement

1. This Order may be cited as the Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2016 and comes into operation on ?? 2016.

Amendment of the Planning (General Permitted Development) Order (Northern Ireland) 2015

2.-(1) The Planning (General Permitted Development) Order (Northern Ireland) 2015(b) is amended in accordance with paragraph (2).

(2) In the Schedule (development permitted under Article 3)—

- (a) Part 3 (Minor Operations) is amended in accordance with Schedule 1;
- (b) for Part 18 (development by electronic communications code operators) substitute Part 18 as set out in Schedule 2 to this Order;
- (c) Part 34 (Shops, financial and professional services establishments) is amended in accordance with Schedule 3; and
- (d) Part 37 (Installation of non domestic microgeneration equipment) is amended in accordance with Schedule 4

Sealed with the Official Seal of the Department for Infrastructure on ?? 2016.

A senior officer of the Department for Infrastructure

(a) 2011 c.25 (N.I.)
(b) S.R. 2015 No. 70

SCHEDULE 1

Article 2(2)(a)

AMENDMENTS TO PART 3 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

3. After Class C insert—

“Class D			
Permitted development	D.	Electrical outlet for recharging electric vehicles	The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.
Development not permitted	D.1	Development is not permitted by Class D if the outlet and its casing would—	<ul style="list-style-type: none"> (a) exceed 0.2 cubic metres; (b) be within 2 metres of a road; (c) be within a site of archaeological interest; or (d) be within the curtilage of a listed building unless listed building consent for the development has previously been granted.
Conditions	D.2	Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles—	<ul style="list-style-type: none"> (a) the development is removed as soon as reasonably practicable; and (b) the wall on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.
Class E			
Permitted development	E.	Electrical upstand for recharging vehicles	The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.
Development not permitted	E.1	Development is not permitted by Class E if the upstand and the outlet would—	<ul style="list-style-type: none"> (a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; (b) be within 2 metres of a road; (c) be within a site of archaeological interest; (d) be within the curtilage of a listed building unless listed building consent for the development has previously been granted; or (e) result in more than 1 upstand being provided for each parking space.
Conditions	E.2	Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—	<ul style="list-style-type: none"> (a) the development is removed as soon as

reasonably practicable; and

- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.”

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SCHEDULE 2

Article 2(2)(b)

SUBSTITUTION OF PART 18 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

“PART 18

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

Class A

Permitted development

- A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—**
- (a) the construction, installation, alteration or replacement of any electronic communications apparatus and any associated hard standing or supporting structure;**
 - (b) the use of land in an emergency for a period not exceeding 12 months to station and operate moveable electronic communications apparatus, required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or**
 - (c) development ancillary to equipment housing.**

Development not permitted

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

- (a) it is to be carried out in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park unless—
 - (i) it is an emergency;
 - (ii) it involves the installation, alteration or replacement of any underground apparatus;
 - (iii) it involves the installation, replacement or alteration of telegraph poles, the installation of new overhead lines on such poles or is ancillary to such development; or
 - (iv) it is development which is permitted by virtue of A.1(d), A.1(f), A.1(l) or A.1(m);

- (b) the land is within a site of archaeological interest or a World Heritage Site unless it involves the installation of new overhead lines supported by existing poles;
- (c) it is within the curtilage of a listed building unless listed building consent for the development has previously been granted;
- (d) it involves the replacement or alteration of an existing mast which is ground based or the installation of apparatus on such a mast which results in—
 - (i) an increase in the overall height of the original structure of—
 - (aa) in the case of an existing mast where the overall size of the structure is 50 metres or less in height, more than 5 metres; or
 - (bb) in the case of an existing mast where the overall size of the structure is more than 50 metres in height, more than 15% of the original height of the structure;
 - (ii) an increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of more than—
 - (aa) one metre; or
 - (bb) one third of the original width of the structure;whichever is the greater; or
 - (iii) a change of location of more than 4 metres from the location of the existing mast;
- (e) it involves the construction or installation of a mast which is not a replacement of an existing mast;
- (f) in the case of the installation, alteration or replacement of equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on a roof of a building, the development would exceed 30 cubic metres;
- (g) it involves the installation on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would result in such apparatus exceeding 2 metres measured horizontally or (taken together with any equipment housing on which such

apparatus is mounted) exceeding 6 metres in height;

- (h) it involves the alteration or replacement on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would result in that apparatus (taken together with any equipment housing on which such apparatus is mounted) exceeding

- (i) 6 metres in height or if greater the current height of the apparatus which is being altered or replaced;

- (ii) 2 metres measured horizontally or if greater the current horizontal measurement of the apparatus which is being altered or replaced;

- (i) in the case of the installation of apparatus (other than on a building or other structure) the apparatus would exceed a height of 15 metres above ground level;

- (j) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure) the apparatus would when altered or replaced exceed—

- (i) the height of the existing apparatus; or

- (ii) a height of 15 metres above ground level;

whichever is the greater;

- (k) in the case of the installation, alteration or replacement of any ground based apparatus other than—

- (i) a mast;

- (ii) a public call box;

- (iii) any apparatus which does not project above the surface of the ground;

- (iv) equipment housing; or

- (v) any kind of antenna;

the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;

- (l) in the case of the installation, alteration or replacement of any apparatus on a dwellinghouse or within the curtilage of a dwellinghouse that apparatus—

- (i) is not a small antenna; or

- (ii) being a small antenna—

- (aa) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than two such antennas;

- (bb) is installed on a dwellinghouse so that the highest part of it would be higher than the highest part of the roof on which it would be installed; or
- (cc) would face on to a road when installed on any part of a dwellinghouse in a conservation area;
- (m) in the case of the installation, alteration or replacement of small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse the development would—
 - (i) result in the presence of more than eight small antennas on a building; or
 - (ii) face on to a road when installed on any part of a building in a conservation area;
- (n) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located more than 15 metres above ground level—
 - (i) any individual antenna exceeds 6 metres in height or 1.3 metres when measured horizontally;
 - (ii) the development would result in there being more than 5 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;
- (o) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located fewer than 15 metres above ground level—
 - (i) any individual antenna exceeds 3 metres in height or 0.9 metres when measured horizontally;
 - (ii) the development would result in there being more than 4 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;
- (p) it involves the construction of an access track of more than 50 metres in length.

Conditions

A.2

(1) Class A(a) and A(c) development is permitted subject to the condition that any apparatus

constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes.

(3) Class A(b) development is permitted subject to the condition that—

- (a) any apparatus or structure provided in accordance with that permission shall be removed from the land—
 - (i) at the expiry of 12 months from the commencement of the use permitted; or
 - (ii) when the need for that use ceases;whichever is the earlier; and
- (b) the land is restored to its condition before the development took place.

(4) In the case of Class A(a) development the developer shall, before commencing development consisting of the installation, alteration or replacement of a mast or antenna, give notice of the proposed development to any other person (other than the developer) who is an owner or occupier of the land to which the development relates—

- (a) by serving the appropriate notice to every such person whose name and address is known to him; or
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(5) Class A(a) and A(b) development consisting of the installation, alteration or replacement of one or more antennas is permitted subject to the condition that the developer shall—

- (a) except in a case of emergency give appropriate notice in writing to the council no fewer than 28 days before development is begun of the developer's intention to carry out such development; or
- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(6) The notice referred to in sub-paragraphs 5(a) and (b) shall be accompanied by a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the

International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0Hz to 300 GHz).

Interpretation of Part 18

A.6

For the purposes of Part 18—

“antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code

“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (i) the name of the developer;
- (ii) the address or location of the proposed development; and
- (iii) a description of the proposed development (including its siting and appearance and the height of any mast);

“development ancillary to equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of equipment housing;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the meaning assigned to it by section 106(1) of the Communications Act 2003;

“ground based mast” means a mast constructed on the ground either directly or on a plinth or other structure constructed for the purpose of supporting the mast;

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

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

“small antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (iii) does not, in any two dimensional measurement, have a surface area exceeding 5000 square centimetres; and

(iv) does not have a volume exceeding 50,000 cubic centimetres;

and any calculation for the purposes of paragraphs (iii) and (iv) is to include any power supply unit or casing but excludes any mounting, fixing, bracket or other support structure.”

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SCHEDULE 3

Article 2(2)(c)

AMENDMENTS TO PART 34 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

Amendments in relation to shops, financial or professional services establishments

1.—(1) In Part 34 of the Schedule (shops, financial or professional services establishments), Class A is amended as follows.

(2) In paragraph A.1(a)(i) for 25% substitute 50%.

(3) In paragraph A.1(a)(ii) for 50 substitute 100.

2. After Class C insert—

“Class D

Permitted development

Development not permitted

Conditions

Interpretation of Class D

D. Development of modification of a loading bay of a shop.

D.1. Development is not permitted by Class D if—

- (a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%; or
- (b) the development would be within a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest.

D.2. Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.

D.3. For the purposes of Class D—

“goods vehicle” has the same meaning as the meaning given in Article 2 of the Road Traffic (Northern Ireland) 1981;

“loading bay” means any facility, including vehicle ramps, for the loading or unloading of goods vehicles;

“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order.”

SCHEDULE 4

Article 2(2)(d)

AMENDMENTS TO PART 37 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

Amendments in relation to installation of non domestic microgeneration equipment

1.—(1) For the Part Head substitute:

“INSTALLATION OF NON DOMESTIC RENEWABLE ENERGY EQUIPMENT”

(2) For Class A substitute:

“Class A

Permitted development

A. The installation, alteration or replacement of—

- (a) microgeneration solar thermal equipment on a building;
- (b) microgeneration solar PV equipment on a building; or
- (c) other solar PV equipment on the roof of a building;

other than a dwellinghouse or block of flats.

Development not permitted

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

- (a) any part of the solar PV or solar thermal equipment would protrude more than 20 centimetres beyond the plane of any existing roof slope which faces onto and is visible from a road;
- (b) any part of the solar PV or solar thermal equipment would be installed on a wall within 3 metres of the boundary of the curtilage of the building and exceeding 4 metres in height extends more than 20 centimetres beyond the wall;
- (c) any part of the solar PV or solar thermal equipment would be installed on a flat roof where the highest part of the solar PV or solar thermal equipment would be higher than 2 metres above the highest part of the roof (excluding any chimney);
- (d) any part of the solar PV or solar thermal equipment would be installed on a flat roof and be within 2 metres of the external edge of that roof;
- (e) any part of the solar PV or solar thermal equipment would extend beyond the edge of the existing roof slope or wall;
- (f) any part of the solar PV or solar thermal equipment would exceed the height of the existing ridged roof;

- (g) in the case of a conservation area or World Heritage Site the solar PV or solar thermal equipment would be installed on a wall or roof slope which faces onto and is visible from a road;
- (h) the solar PV or solar thermal equipment would be installed within the curtilage of a listed building unless listed building consent for the development has previously been granted;
- (i) in the case of Class A(c) development the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class A(b)) to generate electricity exceeds 1 megawatt; or
- (j) in the case of Class A(c) development the development is within 3km of an airport and the developer has not previously notified the council in writing giving details of the location of the installation, the proposed capacity to be installed, details of the orientation and elevation of panels and operations for installation at least 56 days before commencement.

Conditions

A.2

(1) Class A development is permitted subject to the following conditions—

- (a) solar PV or solar thermal equipment must so far as practicable be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment must so far as practicable be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment no longer needed for microgeneration must be removed as soon as reasonably practicable.

(2) Class A(c) development is permitted subject to the condition that the development is carried out in accordance with the details contained within the developer's written notification to the council, unless the council otherwise agrees in writing."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Permitted Development) Order (Northern Ireland) 2015 (“the 2015 Order”).

Schedule 1 of this Order inserts a new Class D and Class E into Part 3 (Minor Operations) of the Schedule to the 2015 Order. These new Classes permit the installation of wall mounted and upstands for electric vehicle charging in off-street parking areas.

Part 18 of the Schedule to the 2015 Order describes development by electronic communications code operators in respect of which no specific application for planning permission is needed as permission is granted by Article 3 of that Order.

Schedule 2 of this Order amends by substitution Part 18 of the Schedule to expand the scope of that permitted development.

Schedule 3 of this Order amends Part 34 (Shops, Financial and Professional Service Establishments) of the Schedule to the 2015 Order to expand the scope of that permitted development.

Schedule 4 of this Order amends Parts 37 (Installation of Non Domestic Microgeneration Equipment) of the Schedule to the 2015 Order to expand permitted development for arrays of solar photovoltaic panels on rooftops of non-domestic buildings of up to 1 megawatt in capacity.

A regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Department for Infrastructure, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast BT2 7EG (Tel: 028 90823534) or accessed at www.doeni.gov.uk.

The Explanatory Memorandum is available alongside the Order on the government’s website www.legislation.gov.uk.

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 54991/37061) 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.

Policy Title:	Review of Permitted Development Rights
Business Area:	Planning Policy Division
Contact:	Irene Kennedy

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.

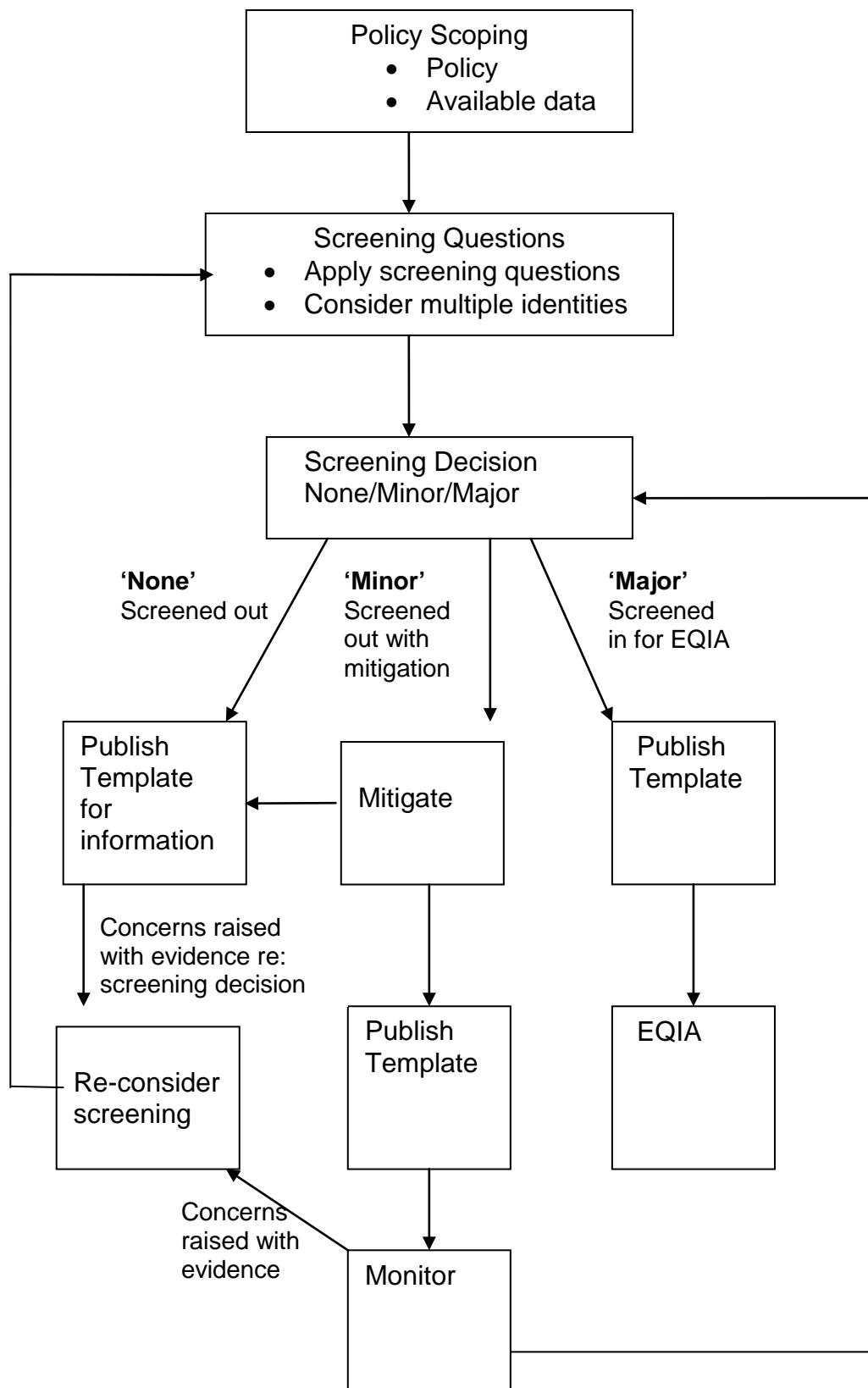
Part 3. Screening decision – guides the Department to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity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

Name of the policy
Review of Permitted Development Rights
Is this an existing, revised or a new policy?
An existing policy
What is it trying to achieve? (intended aims/outcomes) (Please give clear explanation of policy aims/outcomes)
<p>To consider potential new / revised permitted development rights for:</p> <ul style="list-style-type: none">(1) Development by Electronic Communications Code Operators;(2) Shops, Financial and Professional Services Establishments; and(3) Electric Vehicle Charging Points(4) Non-domestic rooftop solar PV panels <p>The aim is to examine the planning permitted development arrangements contained in the Planning (General Permitted Development) Order (Northern Ireland) 2015 and to deliver proposals for further relaxations which permit certain development, often minor, non-contentious, without the need for obtaining express planning permission. This work is being undertaken as part of the Department's ongoing effort to maintain a planning legislation framework which supports economic growth, lessens the regulatory burden on business while at the same time protecting the environment and amenity.</p> <p>The 2015 Order was itself subject to equality screening and found not to have any adverse impact in terms of equality of opportunity or good relations.</p>

Are there any Section 75 categories which might be expected to benefit from the intended policy? If so, explain how.
No
Who initiated or wrote the policy?
The policy was written by Planning Policy Division of Department of the Environment.
Who owns and who implements the policy?
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: Businesses and in particular Electronic Communications Code Operators

Other policies with a bearing on this policy

- what are they?
No policies of direct significance.
- who owns them?
N/A

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 (Angela Starkey, ext 54991, or Jeff Johnston, ext 37061).

Section 75 category	Details of evidence/information
Religious belief	The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy. Any further relaxations will likely be modest and non-contentious in 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

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.
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 easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- 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

1 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.	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

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No evidence available of any opportunity to better promote equality of opportunity for 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

3 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		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	No evidence of possible impact.	None
Political opinion	As above	As above
Racial group	As above	As above

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		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.

There is no evidence 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.

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy. Any further relaxations will likely be modest and non-contentious in nature. There is no evidence that existing or enhanced permitted development rights have any impact in terms of equality of opportunity or good relations. The policy will be subject to public consultation and any S75 issues raised will be considered.

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.

N/A

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.

N/A

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)

Screened by:	Position/Job Title	Date
Tom Mathews	SPTO	16/03/2016
Approved by:		
Irene Kennedy	Grade 7	16/03/2016

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

QUERIES TO: DOE EQUALITY TEAM
8th FLOOR
GOODWOOD HOUSE

2.a.i.1.1 **44-58 MAY STREET**
BELFAST
BT1 4NN

Angela Starkey, Ext. 54991 angela.starkey@doeni.gov.uk

Jeff Johnston, Ext. 37061 jeff.johnston@doeni.gov.uk

Main Groups Relevant to the Section 75 Categories	
Category	Main Groups
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

Title: The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2016	Regulatory Impact Assessment
	Date: 3 rd March 2016
	Type of measure: Subordinate
Lead department or agency: Department of the Environment	Stage: Existing legislation
	Source of intervention: Domestic NI
Other departments or agencies: N/A	Contact details: Irene Kennedy
	Department of the Environment 5th Floor, Causeway Exchange 1-7 Bedford Street, Town Parks Belfast BT2 7EG

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

This intervention fulfils an existing departmental commitment to review the Planning (General Permitted Development) Order (Northern Ireland) 2015 ("the 2015 Order") to determine whether the on-going regulatory benefits derived from permitted development remain appropriate over time or should be extended, particularly within the context of the implementation of the new two-tier planning system introduced in April 2015, and changes to similar legislation in other jurisdictions. This is in line with the Department's approach to better regulation which is intended to provide a considered balance between lightening the regulatory burden on businesses and individuals and protecting the environment, amenity and public safety.

What are the policy objectives and the intended effects?

The aim is to examine the planning permitted development arrangements contained in the 2015 Order and to deliver proposals for further relaxations which permit certain development, often minor and non-contentious, without the need to obtain express planning permission. This work is being undertaken as part of the Department's ongoing effort to maintain a planning legislation framework which supports economic growth, lessens the regulatory burden and costs on business while at the same time protecting the environment and amenity. It is difficult to measure / quantify the monetary benefits or effects of any proposed changes as the level of future planning applications cannot be accurately predicted, however, it is not unreasonable to conclude that any further relaxations would be positive overall.

**What policy options have been considered, including any alternatives to regulation?
Please justify preferred option (further details in Evidence Base)**

Essentially there are two options:

- Option 1 - Do not review the 2015 Order (maintain the status quo); and
- Option 2 - Review the 2015 Order.

This intervention does not seek to alter fundamentally the provisions contained within the 2015 Order, but rather seeks to ensure that the permitted development regime, post transfer of planning functions to councils, remains appropriate over time within the local context. As previously stated, this review fulfils a previous departmental commitment to examine the 2015 Order. Not to review the legislation, nor to contrast with changes in other jurisdictions may be disadvantageous to local business and therefore is not an option.

Will the policy be reviewed? Yes.

If applicable, set review date:
Approximately April 2019

Cost of Preferred (or more likely) Option

Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
Potential reduction in respect of costs / administrative burden associated with obtaining permission	(as previous comment)	No cost to councils for implementation.

Does Implementation go beyond minimum EU requirements?			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
Are any of these organisations in scope?	Micro Yes <input checked="" type="checkbox"/> No	Small Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Medium Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Large Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Summary: Analysis and Evidence

Policy Option 1

Description: **Do not review the Planning (General Permitted Development) Order (Northern Ireland) 2015**

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best				
Description and scale of key monetised costs by 'main affected groups' It is not possible to quantify the monetary costs to the main affected groups of this option as it is predicated on whether an application for planning permission would have been forthcoming and if associated costs then removed under PD. The 2015 Order sets out the existing wide ranging permitted development regime applied locally, whilst maintaining appropriate safeguards to protect local environmental quality and amenity.				
Other key non-monetised costs by 'main affected groups' Not to undertake a review of the 2015 Order maintains the existing regime but does not fulfil a previous departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best				
Description and scale of key monetised benefits by 'main affected groups' It is difficult to measure / quantify the monetary benefits or effects of implementation of existing permitted development under the 2015 Order. Under this option, the existing regime will continue but without the benefit of potential relaxations which otherwise may have been introduced.				
Other key non-monetised benefits by 'main affected groups' Maintaining the existing permitted development regime (without further relaxation) while generally beneficial to business locally will overall be disadvantageous in comparison to other jurisdictions where further relaxations have been implemented.				
Key Assumptions, Sensitivities, Risks It is not unreasonable to assume that not to review the 2015 Order and therefore maintaining the existing permitted development regime would be disadvantageous overall to local business.				

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m			Cannot be quantified monetarily but is assumed can only be positive if planning requirements are reduced.
Costs:	Benefits:	Net:	

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)

While overall the 2015 Order compares favourably with equivalent legislation in other jurisdictions, this option will however mean that permitted development locally will not keep pace with nor take account of changes / advancements or relaxations elsewhere..

Summary: Analysis and Evidence Policy Option 2

Description: Review the Planning (General Permitted Development) Order (Northern Ireland) 2015

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best				
Description and scale of key monetised costs by ‘main affected groups’ Permitted development grants a general planning permission for certain, often minor, non-contentious types of development. Permitted development is seen to be a deregulatory mechanism removing the need to complete and submit a planning application along with any associated fee. Thus it is of direct benefit and of no monetary cost to the person intending to undertake the permitted development.				
Other key non-monetised costs by ‘main affected groups’ None				
Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best				
Description and scale of key monetised benefits by ‘main affected groups’ It is difficult to measure / quantify the monetary benefits or effects of any proposed changes (as this is reliant on the number of applications for planning permission which would otherwise be required) however it is not unreasonable to conclude that any further relaxations would be positive overall to the person intending to undertake the permitted development.				
Other key non-monetised benefits by ‘main affected groups’ The introduction of additional or extended permitted development rights will assist in facilitating growth in the NI economy as it will allow certain forms of development to proceed without the requirement or administrative burden on business to submit an application seeking planning permission and await a council's determination. Less regulatory burden for both the regulator and to the person / business intending to undertake the permitted development derived from further relaxations of permitted development rights.				
Key Assumptions, Sensitivities, Risks It is not unreasonable to assume that any extension / relaxations to the existing permitted development regime would be positive overall. Certain condition and limitations imposed on permitted development rights ensures that sensitivities and risks associated with deregulating some types of development are identified and mitigated.				

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m			Cannot be quantified monetarily but is assumed can only be positive if planning requirements are reduced.
Costs:	Benefits:	Net:	

Cross Border Issues (Option 2)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)

The 2015 Order compares favourably with equivalent legislation in other jurisdictions. Any proposals to further relax permitted development locally will take account of changes / advancements elsewhere.

Evidence Base

The planning system provides a mechanism through which the impacts of development to third parties can be taken into consideration when new development is proposed. The planning system plays an important role in promoting the efficient use of land and considering and mitigating the adverse impacts that development can have on third parties. However, applying for planning permission places an administrative burden on business.

Where a development is non-contentious, has little or limited adverse impact or the impacts can be controlled in a way that does not require detailed assessment of each proposal, the requirement to obtain planning permission can often place additional burdens and costs on business and other applicants that are disproportionate to the likely potential impacts.

The planning system aims to achieve proportionality by exercising different degrees of control over types of development with different degrees of impact. The requirement for councils' scrutiny of development proposals with little or limited adverse impact is removed using permitted development rights. Permitted development rights are a deregulatory tool to grant automatic planning permission for development that complies with certain specified limitations and conditions that are set out in legislation, which in Northern Ireland is the Schedule of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Policy issue under consideration and objectives

The policy issue under consideration is whether the thresholds that govern the available permitted development rights for the following types of development remain appropriate to the local context:

- development undertaken by Electronic Communications Code Operators;
- extensions to shops, financial and professional services establishments;
- installation of solar PV arrays on the rooftops of non-domestic premises;
- extensions to shop loading bays; and

whether new permitted development rights should be introduced in relation to:

- installation, alteration or replacement of electrical outlets for recharging electric vehicles.

The policy objective is to deregulate by removing more development from the requirement for planning permission from councils by increasing permitted development thresholds. This is intended to reduce the administrative and financial burden of the planning system on businesses. The specific benefits include:

- a boost for growth by allowing Electronic Communications Code Operators to carry out certain development to improve and enhance the electronic communications network in Northern Ireland;
- allowing shops to extend their premises and loading bays;
- making better use of underutilised roof tops by encouraging the generation of

- renewable energy;
- allowing for the installation, alteration or replacement of electrical outlets for recharging electric vehicles whilst contributing to the green environment;
- allowing businesses wishing to expand the opportunity to do so without the burden of obtaining planning permission for certain development providing certainty, and making time and fee savings from no longer submitting planning applications; and
- reducing the need for councils to assess planning applications for development with limited impacts allowing them to concentrate on larger development of more strategic benefit to their local area.

Options

Two options were considered;

Option 1 - Do nothing: make no changes to permitted development rights,

Option 2 – Extend permitted development rights.

Development undertaken by Electronic Communications Code Operators

Northern Ireland is currently the most restrictive of the UK jurisdictions in respect of telecommunications development. Improving our digital infrastructure is vital to Northern Ireland's economy and therefore the Department proposes to liberalise the permitted regime for development by Electronic Communications Code Operators, facilitating the delivery of high level digital connectivity whilst ensuring the provision of such infrastructure is sited and designed to keep environmental and amenity impacts to a minimum.

The Department is proposing changes to permitted development rights for telecommunications development for:-

- **Masts and associated apparatus** - making greater use of existing masts and encouraging site/mast sharing;
- **Apparatus and antennas mounted on buildings** - new permitted development rights for buildings providing greater coverage for all areas alongside limitations to protect amenity and the environment;
- **Emergency apparatus** - increasing the current time period of 6 months to 12 months to provide more versatility to the telecommunications industry in the case of an emergency;
- **Sensitive areas** - balancing the delivery of greater coverage whilst ensuring protection of these important areas;
- **New and replacement telegraph poles** - aligning NI with the other UK jurisdictions by permitting new or replacement telegraph poles and new overhead lines on such poles within sensitive areas; and
- **Equipment housing** - extending the current permitted development rights for equipment housing to include installation e.g. in conservation areas, areas of outstanding natural beauty, areas of special scientific interest, and listed buildings where listed building consent has previously been granted.

Installation of solar PV arrays on non-domestic roof tops

Currently solar arrays on non-domestic premises up to a generating capacity of 50kw are permitted development. It is proposed to extend permitted development for arrays of solar PV panels of up to 1mW on non-domestic rooftops. However, it is also proposed that developers will have to give prior notification to the relevant councils if their developments are to be located within 3 km of an airport.

Extensions to shops and financial/professional services establishments

Shops and financial/professional services establishments are currently able to extend their premises by up to 50 square metres provided that this does not increase the gross floor space of the original building by more than 25%. We propose that these limits should be raised to 100 square metres of the original floorspace or 50% whichever is the lesser. Permitted development would not be allowed in protected areas and sites such as a conservation area, area of special scientific interest or site of archaeological interest.

Extensions to shop loading bays

Introduce new permitted development rights that would allow shops to extend existing loading bays by up to 20% of the original. Permitted development would not be allowed in protected areas and sites such as a conservation area, area of special scientific interest or site of archaeological interest.

Electrical charging points for cars (in out-door parking areas)

Introduce new permitted development rights that would allow for the installation, alteration or replacement of electrical outlets for recharging electric vehicles whilst contributing to the green environment.

Preferred Option

Overall, Option 2 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for councils: reduced number / processing of planning applications

Councils will benefit from a reduced number of planning applications for the types of development which otherwise would previously have fallen beyond the existing permitted development regime, therefore freeing-up resources.

Costs to communities: amenity impacts of additional extensions

Appropriate limitations and conditions to permitted development rights will apply in sensitive areas such as:

- a World Heritage Site;
- a conservation area;
- an area of special scientific interest;
- a site of archaeological interest; or
- within the curtilage of a listed building.

If, in exceptional circumstances, it is clearly demonstrated that the permitted development rights are materially harmful in a particular locality, councils can consult with their communities on using a direction under Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 ("the 2015 Order") to withdraw the rights. Removal of the rights in exceptional circumstances allows all the potential planning impacts of the development to be considered locally by requiring submission of a planning application(s).

Impact on small firms

There may be positive impacts for small firms wishing to expand their premises or involved in the construction business. In addition small firms involved in the supply chains of these firms could benefit.

Rural proofing

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities. Appropriate conditions and limitations will apply to sensitive areas as outlined above.

Annex D – Freedom of Information Act

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: <https://ico.org.uk/>).

Annex E – Consultee List

20:20 Architects
Action on Hearing Loss
Action Renewables
Age NI
An Munia Tober
Aquaculture Initiative EEIG
Archbishop Of Armagh & Primate Of All Ireland
Arcus Architects
Arqiva
Association for Consultancy and Engineering
Atlas Communications
Autism NI
B9 Energy Services Ltd
Bahai Council for NI
Bar Library
Barnardos NI
BBC Engineering Information Department
Belfast Butterfly Club
Belfast Civic Trust
Belfast Harbour Commissioners
Belfast Hebrew Congregation
Belfast Healthy Cities
Belfast Hills Partnership
Belfast International Airport
Belfast Metropolitan College
Belfast Metropolitan Residents Group
Belfast Solicitors Association
Brennen Associates
British Deaf Association (NI)
British Telecom (NI)
Bryson House
Building Design Partnership
Cable & Wireless Communications
Campaign for Better Transport
Cara Friend
Carers Northern Ireland
Carey Consulting
Catholic Bishops of NI
Causeway Coast & Glens Heritage Trust
Chartered Institute of Architectural Technologists
Chartered Institute of Environmental Health
Chartered Institute of Housing
Chief Executive of the NI Judicial Appointments Commission
Chief Officers 3rd Sector
Children's Law Centre

Chinese Welfare Association
Church of Ireland
Chrysalis Women's Centre
Coiste – Na N-iarchimi
City of Derry Airport
Civil Aviation Authority
Civil Law Reform Division
Coleraine Harbour Commissioners
Communication Access
Committee for the Administration of Justice
Communities and Local Government
Community Development and Health Network (NI)
Community Places
Community Relations Council
Confederation of British Industry, NI Branch
Construction Employers Federation
Construction Register Ltd
Council for Catholic Maintained Schools
Countryside Access & Activities Network for NI
Courts and Tribunal Services
Crown Castle UK Ltd
Cruse Bereavement Care (NI)
Derryhale Residents' Association
Derry Well Woman
Development Planning Partnerships
Disability Action
Down's Syndrome Association
Energy Saving Trust Northern Ireland
Enniskillen Airport
Environment and Planning Law Association of NI
Environmental Health Services Department
Equality Coalition
Equality Commission for NI
Falls Community Council
Falls Women's Centre
Family Planning Association NI
Federation of Small Businesses
Ferguson & McIlveen
Fisher German LLP
Food Standards Agency NI
Foyle Women's Information Network
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

Indian Community Centre
 I-Document Systems
 Information Commissioners Office
 Insititute of Professional Legal Studies
 Institute Of Directors
 Institute of Historic Building Conservation
 Institution of Civil Engineers (NI Association)
 International Tree Foundation
 Invest NI
 Kenneth Crothers, Deane & Curry
 Lagan Valley Regional Park Officer
 Landscape Institute NI
 Larne Harbour Commissioners
 Law Centre (NI)
 Liz Fawcett Consulting
 Local Government Staff Commission NI (LGSC)
 Londonderry Port & Harbour Commissioners
 Lord Chief Justice Office
 Lough Neagh and Lower Bann Management Committees
 LPG Association
 Magherafelt Women's Group
 Magistrates Court
 Manufacturing Northern Ireland
 Marks and Spencer
 McClelland/Salter Estate Agents
 MENCAP
 Mens Action Network
 Men's Project – Parent's Advice Centre
 Methodist Church In Ireland
 Michael Burroughs Associates
 Ministerial Advisory Group for Architecture and the Built Environment in
 Northern Ireland
 Ministry of Defence
 Mobile Operators Association
 Mono Consultants Limited
 Mourne Heritage Trust
 Multi-Cultural Resource Centre
 National Air Traffic Services (NATS)
 National Society for the Prevention of Cruelty to Children (NSPCC)
 National Trust
 Newry and Mourne Women Limited
 Newtownards Aerodrome
 NI Association for Mental Health
 NI Association of Citizens Advice Bureau
 NI Chamber of Commerce and Industry
 NI Chamber of Trade
 NI Independent Retail Trade Association
 NI Islamic Centre
 National Pensioners Convention, NI
 NI Women's Aid Federation

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 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 Office
 Northern Ireland Public Health Agency
 Northern Ireland Quarry Products Association
 Northern Ireland Regional Medical Physics Agency
 Northern Ireland Women's Rural Network
 Northern Ireland Tourist Board
 Northern Ireland Water Ltd
 NSMC-NI Secretariat
 O2
 OFCOM
 OFMDFM Central Management Unit (CMU)
 Office of Attorney General for Northern Ireland
 Orange
 Ostick and Williams
 Parenting NI
 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
 Polish Association
 Pragma Planning
 Presbyterian Church In Ireland
 PSNI
 Quarryplan Ltd
 Queens University
 Renewable UK
 RICS NI
 Rivers Agency
 RJM Architects
 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
 Rural Support
 Save the Children
 Scottish Government
 SENSE NI
 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 Architectural Heritage Fund
 The Board of Deputies of British Jews
 The Cedar Foundation
 The Commissioner for Older People for Northern Ireland
 The Executive Council of the Inn of Court of NI
 The General Consumer Council for NI
 The Guide Dogs for the Blind Association
 The Law Society of Northern Ireland
 The NI Commissioner for Children and Young People
 The NI Council for Voluntary Action
 The Rainbow Project
 The Senior Citizens Consortium Sperrin Lakeland
 The Utility Regulator

The Women's Centre
Three
T-Mobile
Todd Planning
Town and Country Planning Association
Training for Women Network Ltd
Translink
Travellers Movement NI
Turley Associates
Tyrone Brick
Ulster Angling Federation
Ulster Architectural Heritage Society
Ulster Farmers' Union
Ulster Society for the Protection of the Countryside
Ulster Wildlife Trust
ULTACH
UNISON
University of Ulster
Urban and Rural Planning Associates
UTV Engineering Information Department
Virgin Media
Vodafone Ltd
Volunteer Now
Warrenpoint Harbour Authority
Waterways Ireland
Welsh Government
WDR & RT Taggart
Western Group Environmental Health Committee
Wildfowl and Wetland Trust
Women's Forum NI
Women's Resource and Development Agency
Women's Support Network
Woodland Trust
World Wildlife Fund (NI)
Youth Council For Northern Ireland

