EXPLANATORY MEMORANDUM TO

The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020

SR 2020 No. 292

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the above Statutory Rule which is laid before the Northern Ireland Assembly.

1.2 This Statutory Rule is made under sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 21 December 2020.

2. Purpose

2.1 This Order will amend the current Planning (General Permitted Development) Order (Northern Ireland) 2015 (the GPDO) by:

- adding new Classes of development to Part 3 (Minor Operations) of the Schedule to provide extended permitted development rights for electric vehicle charging points;
- substituting Part 16 (Mineral Exploration) of the Schedule to remove permitted development rights for petroleum exploration;
- substituting Part 18 (Development by electronic communications code operators) of the Schedule to expand permitted development rights for mobile network operators; and
- amending Part 34 (Shops, financial and professional services establishments) of the Schedule to allow the extension of premises.

The Order also includes a small number of technical amendments.

<u>Electric Vehicle Charging Points</u>

2.2 The Order amends Part 3 (Minor Operations) of the Schedule to the GDPO by inserting a new:

- Class D to introduce permitted development rights for the installation of wall mounted electric vehicle charging points in off-street parking areas. The maximum volume permitted is 0.2 cubic metres;
- Class E to introduce permitted development rights for the installation of free-standing electric vehicle charging points in off-street parking areas. The maximum height permitted is 2.3 metres, or 1.6 metres within the curtilage of a dwelling house or block of flats; and
- Class F to introduce permitted development rights for the replacement of free-standing electric vehicle charging points in on-street parking areas. The maximum height permitted is 2.0 metres.

Mineral Exploration

2.3 The Order removes permitted development rights for the drilling of any boreholes for petroleum (oil and gas) exploration only.

2.4 The Order also makes 3 minor amendments to permitted development rights for mineral exploration generally. These are to:

- extend the 21 day timescale provided for councils to issue directions restricting permitted development to 28 days to allow further time for council consideration;
- introduce a new height restriction of 12 metres for mineral exploration permitted development; and
- to provide a 'relevant period' to ensure that the permitted development right cannot be exercised until the council has fully considered the proposed development and decided whether or not to remove or restrict the permitted development right. The relevant period would vary depending on whether a direction has issued.

Electronic Communications Code Operators

2.5 This Order, subject to certain limitations and conditions, provides for:

- a proportionate increase in overall height and width of an existing mast;
- apparatus and antenna (including small antenna) mounted on buildings to include conservation areas, areas of outstanding natural beauty or areas of special scientific interest;
- an extension to the period for emergency apparatus from 6 to 18 months;
- an extension to allow the installation of new or replacement telegraph poles to include conservation areas, areas of outstanding natural beauty or areas of special scientific interest; and
- an extension for equipment housing (subject to limitations) to include installation in conservation areas, areas of outstanding natural beauty, areas of special scientific interest, and listed buildings where listed building consent has been previously granted.

Shops, Financial and Professional Services Establishments

2.6 This Order amends the existing permitted development rights for extensions to shops, financial and professional services establishments by increasing from 25% of the original floorspace (or 50 square metres) whichever is the lesser, to 50% of the original floorspace (or 100 square metres) whichever is the lesser. In addition, the Order introduces permitted development rights for extensions to loading bays where the size of the original loading bay, when measured in any dimension, would not be increased by more than 20%. These permitted development rights are already subject to limitations and conditions.

3. Background

3.1 The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out types of development which can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor building works that have minimal impact to amenity and the environment.

3.2 The Schedule to the GPDO contains a number of Parts, each of which sets out various classes of development which may be undertaken without the need for a full planning application.

3.3 The Department undertakes a rolling programme of reviewing permitted development rights in the planning system to ensure they are up to date and fit for purpose.

4. Consultation

4.1 The Department undertook 2 public consultations in relation to permitted development rights in 2016.

4.2 The Department issued a consultation in May 2016 seeking 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.

4.3 In June 2016, in response to a motion calling for the protection of Woodburn Forest, the then Minister announced the intention to remove permitted development rights for petroleum (oil and gas) exploration and to consult upon proposals for legislative change. In December 2016 the public consultation, which was informed by responses received in an earlier Call for Evidence, proposed a number of options to remove permitted development rights for petroleum (oil and gas) exploration.

4.4 It should be noted that the Department has decided not to take forward any amendments to permitted development rights for non-domestic roof mounted solar photovoltaic panels at this time.

5. Equality Impact

5.1 The Department does not envisage that the proposed Statutory Rule will have any significant impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998. A final screening exercise is nearing completion.

6. Regulatory Impact

6.1 Preliminary Regulatory Impact Assessments were carried out and published along with the consultations in 2016 and has been updated in line with these proposals. The majority of amendments to the GPDO will result in potential savings to applicants if their development is considered to be permitted development. Applicants will still have to make sure their development complies with any environmental and other consents that may be needed, including building regulations etc, but they will not incur the application fees for planning permission and the administrative costs incurred in submitting an application. It is uncertain whether the extended permitted development rights will lead to an increase in applications for Certificates of Lawful Use and Development should developers wish to have written confirmation that their development is permitted. However, any resulting costs to business should be minimal. Removing permitted development

rights for petroleum exploration will result in an extra cost for the industry in one off planning fees and associated planning application costs. The application process will, however, ensure the opportunity for public engagement and detailed scrutiny.

7. Financial Implications

7.1 This Order will continue to give potential savings to applicants if their development is considered to be permitted development. Removing permitted development rights for petroleum exploration will result in an extra cost for the industry in one off planning fees and associated planning application costs.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the legislation complies with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 There are no EU implications.

10. Parity or Replicatory Measure

10.1 This is not a parity or replicatory measure.

11. Additional Information

11.1 None.

Contact

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