STATUTORY RULES OF NORTHERN IRELAND

2015 No. 70

PLANNING

The Planning (General Permitted Development) Order (Northern Ireland) 2015

Made - - - - 25th February 2015

Coming into operation 1st April 2015

The Department of the Environment makes the following Order in exercise of the powers conferred on it by sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011 [F1].

F1 2011 c.25 (N.I.)

Application, citation and commencement

1.—(1) This Order shall, subject to paragraph (2), apply to all land in Northern Ireland.

(2) Where a special development order is made as to any land this Order shall apply to that land to such an extent only and subject to such modifications as may be specified in the special order.

(3) Nothing in this Order shall apply to any permission which is deemed to be granted under section 130(6) of the 2011 Act.

(4) This Order may be cited as the Planning (General Permitted Development) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"airport" has the meaning assigned to it in Article 2(2) of the Airports (Northern Ireland) Order 1994 [F2];

"area of outstanding natural beauty" means an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 [F3];

"area of special scientific interest" means an area so designated under Article 28 of the Environment (Northern Ireland) Order 2002 [F4];

"aqueduct" does not include an underground conduit;

"betting office" means any premises in respect of which there is in force a bookmaking office licence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 [F5];

"building" does not include plant or machinery or a structure or erection of the nature of plant or machinery and for the purposes of the Schedule does not include any gate, fence, wall or other means of enclosure but includes any structure or erection and any part of a building as so defined;

"caravan" and "caravan site" have the meanings respectively assigned to them by the Caravans Act (Northern Ireland) 1963 [F6];

"classified road" and "trunk road" have the same meaning as in the Roads (Northern Ireland) Order 1993 [F7];

"conservation area" means land which is within an area designated as a conservation area under section 104 of the 2011 Act;

"council" means a district council;

"Crown land" has the meaning assigned to it by section 212 of the 2011 Act;

"cubic content" means the cubic content of a structure or building measured externally;

"the Department" means the Department of the Environment;

"designated area" means—

(a) a conservation area;

(b) an area of outstanding natural beauty;

(c) an area of special scientific interest;

(d) a National Park;

(e) a World Heritage Site;

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"EIA development" has the meaning assigned to it by regulation 2 of the EIA Regulations;

"the EIA Regulations" means the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 [F8];

"electronic communication" has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001 [F9];

"existing" in relation to any building, plant or machinery means (except in the definition of "original") existing immediately before the carrying out of development described in this Order;

"flat" means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"floor space" means the total floor space in a building or buildings;

"hazardous substance" has the meaning assigned to that term in regulation 3(1) of the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 [F10];

"industrial process" means a process for or incidental to any of the following purposes—

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

"liquefied petroleum gas" means commercial butane or commercial propane as defined in British Standard 4250: 1997;

"microgeneration" means the use for the generation of electricity or the production of heat of any plant—

(a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on biomass, biofuels, fuel cells, photovoltaics, water (including waves and tides), wind, solar power, geothermal sources, combined heat and power systems and other sources of energy or technologies for the generation of electricity or the production of heat; and

(b) the capacity of which—

(i) to generate electricity, does not exceed 50 kilowatts;

(ii) to produce heat, does not exceed 45 kilowatts thermal;

"microwave" means that part of the radio spectrum above 1000 MHz;

"microwave antenna" means a satellite antenna or a terrestrial microwave antenna;

"mine" means any site on which mining operations are carried out;

"mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working;

"National Park" means an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

"nature reserve" has the meaning assigned to it by Article 2(2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

"operational Crown building" means a building which is operational Crown land;

"operational Crown land" means—

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes, but does not include—

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held for operational purposes;

(ii) Crown land—

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an estate belonging to Her Majesty in right of Her private estates;

"operational land" in relation to the undertakers specified in Parts 14, 15, 25 and 29 of the Schedule means—

(a) land which is used for the purpose of carrying on their undertakings; and

(b) land in which an interest is held for that purpose;

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on those undertakings:

Provided that where an interest in land is held by such undertakers for the purpose of carrying on their undertaking and—

(a) the interest was acquired by them on or after 1st October 1973; or

(b) it was held by them immediately before that date but the circumstances at that date were such that the land did not fall to be treated as operational land had this Order applied to it,

that land shall not be treated as operational land unless there is in force with respect to the land a planning permission granted on an application made in that behalf under Part 3 of the 2011 Act for its development and that development, if carried out, would involve the use of the land for the purpose of the carrying on of the undertaking;

"operational purposes" means the purposes of carrying out the functions of the Crown;

"original" means—

(a) in relation to a building, other than a building which is Crown land, existing on 1st October 1973, as existing on that date; and in relation to a building built on or after 1st October 1973, as so built;

(b) in relation to a building which is Crown land on 10th June 2006, as existing on that date; and, in relation to a building built on or after 10th June 2006 which is Crown land on the date of its completion, as so built;

"pipe line" means a pipe (together with associated apparatus and works) or system of pipes (together with associated apparatus and works), for the conveyance of anything other than air, water, water vapour or steam, not being—

(a) a drain or sewer;

(b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes;

(c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965 [F11] apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act;

(d) a pipe or system of pipes wholly situated within the boundaries of an agricultural unit and designed for use for the purposes of agriculture;

(e) a pipe or system of pipes wholly situated in premises used for the purposes of education or research; or

(f) a pneumatic despatch tube.

For the purposes of this definition the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely—

(a) apparatus for including or facilitating the flow of anything through the pipe or, as the case may be, through the system or any part of it;

(b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;

(c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in (a) or of any such works as are mentioned in (b);

(d) apparatus for the transmission of information for the operation of the pipe or system;

(e) apparatus for affording cathodic protection to the pipe or system;

(f) a structure for exclusive support of a part of the line or system;

"plant or machinery" includes any structure or erection in the nature of plant or machinery;

"private way" means a way or footpath which is not a public road or any part of that road;

"public service vehicle" means a vehicle, excluding a taxi, which has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1981 [F12];

"satellite antenna" means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them and includes any mountings or brackets attached to such apparatus;

"sensitive area" has the meaning assigned to it in regulation 2 of the EIA Regulations;

"site of archaeological interest" means land which has been scheduled for protection or taken into care under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 [F13] or which is within a site registered in the Department's Sites and Monuments Record;

"special road" means a road designated as a special road under Article 15 of the Roads (Northern Ireland) Order 1993 [F14];

"terrestrial microwave antenna" means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two or more fixed points;

"unadopted street" means a street other than a public road;

"the Use Classes Order" means the Planning (Use Classes) Order (Northern Ireland) 2015 [F15];

"World Heritage Site" means a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage [F16].

(2) Any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

(a) the expression "address" includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;

(b) references to notices, forms, maps, plans, drawings, certificates or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any notice or other document to any other person ("the recipient").

(5) The requirement shall not be taken to be fulfilled, or (as the case may be) the notice or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(6) In paragraph (5), "legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(7) Where the electronic communication is received by the recipient outside the recipient's business hours, it shall be taken to have been received on the next working day; and for this purpose "working day" means a day which is not a Saturday, Sunday or a public holiday.