



Department for

**Infrastructure**

An Roinn

**Bonneagair**

Department for

**Infrastructure**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

## **PUBLIC CONSULTATION**

### **REVIEW OF PERMITTED DEVELOPMENT RIGHTS**

- **Domestic Microgeneration Equipment**
  - **Air Source Heat Pumps**
  - **Ground or Water Source Heat Pumps**
- **Reverse Vending Machines**

**Date: October 2022**

**OGL**

© Crown copyright 2022

## **Contents**

<b>Responding to this consultation document .....</b>	<b>4</b>
How to Respond .....	4
Confidentiality and Data Protection.....	5
Impact Assessments.....	6
<b>Introduction .....</b>	<b>8</b>
Purpose of the consultation.....	8
<b>Installation of domestic microgeneration equipment.....</b>	<b>10</b>
Air Source Heat Pumps .....	10
Proposals .....	12
Ground or Water Source Heat Pumps.....	13
Proposals .....	14
Domestic Wind Tyrbines .....	14
Proposal .....	15
<b>Reverse Vending Machines.....</b>	<b>15</b>
Proposals .....	16
<b>Overview of Consultation Questions .....</b>	<b>18</b>
<b>Annex A – Draft Statutory Rule.....</b>	<b>19</b>
<b>Annex B – Class F and G .....</b>	<b>25</b>
<b>Annex C – Screening for Equality Impact Assessment.....</b>	<b>27</b>
<b>Annex D – Preliminary Regulatory Impact Assessment.....</b>	<b>46</b>

# 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 23rd December 2022 in one of the following ways:

1. **Where possible online via Citizen Space.**
2. **By e-mail to: [Legislation.planning@infrastructure-ni.gov.uk](mailto:Legislation.planning@infrastructure-ni.gov.uk)**
3. **By post to:**  
Permitted Development Rights Consultation  
Regional Planning Directorate  
Room 1-08  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB

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:

Planning Legislation | Department for Infrastructure ([infrastructure-ni.gov.uk](http://infrastructure-ni.gov.uk)).

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:

Planning Legislation | Department for Infrastructure ([infrastructure-ni.gov.uk](http://infrastructure-ni.gov.uk)) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above 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 also be directed to the postal or e-mail addresses above.

## **Confidentiality and Data Protection**

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice (DfI Privacy | Department for Infrastructure ([infrastructure-ni.gov.uk](https://www.infrastructure-ni.gov.uk))). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. 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 paragraph below and it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 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 or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential.

### **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 C and D 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 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. In most cases permitted development rights are subject to conditions and limitations specified in the GPDO. These may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, World Heritage Sites etc.) or provide that the permitted development rights only apply to certain developers (e.g. councils, or statutory undertakers). Proposed developments that do not fall within the scope of permitted development rights including any conditions, must be the subject of a planning application.
- 1.2 This consultation document forms part of the continuing review of permitted development rights being undertaken by the Department for Infrastructure. The Department is seeking your views on proposed changes in relation to permitted development rights for:
- installation of domestic microgeneration equipment; and
  - reverse vending machines.

A copy of the draft Order can be found at Annex A.

### Installation of domestic microgeneration equipment

- 1.3 The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.



- 1.4 The review has now been completed and this consultation document sets out the Department for Infrastructure’s proposals for changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps (air source and ground or water) to align with modern standards and requirements.
- 1.5 Permitted development rights are currently provided for the installation of domestic microgeneration equipment and can be viewed in Part 2 of the Schedule to GPDO at:  
The Planning (General Permitted Development) Order (Northern Ireland) 2015 ([legislation.gov.uk](http://legislation.gov.uk))

Reverse vending machines

- 1.6 The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.
- 1.7 Deposit Return Scheme retailers will be responsible for providing a means to take back containers, usually through reverse vending machines, or for small premises through manual take back. If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.
- 1.8 This consultation is also proposing adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and conditions.

## **Installation of domestic microgeneration equipment**

2.1 In Northern Ireland Part 2 of the Schedule to the GPDO currently provides permitted development rights for air source heat pumps (Class G) and ground or water source heat pumps (Class F) subject to a number of limitations and conditions (See Annex B). 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 in Northern Ireland is the most restrictive.

### **Air source heat pumps**

2.2 Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the house on a wall or on the ground with enough space to ensure a good flow of air.

2.3 The current permitted development rights for ASHP were added in March 2014 to provide permitted development rights for the installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.

2.4 The permitted development rights allow for one ASHP within the curtilage of a dwellinghouse. Development is not permitted if:-

- any part of an ASHP would be less than 30 metres from another dwellinghouse;
- any part would be situated on land forward of a wall which faces onto a road and forms either the principal elevation or a side elevation of the original dwellinghouse;

- any part of an ASHP within a World Heritage Site or conservation area faces onto and is visible from a road;
- the external unit would exceed 2 metres in height;
- installed on a roof; or
- situated within the curtilage of a listed building unless listed building consent has previously been granted.

The ASHP must be used to provide heat for use within the curtilage of the dwellinghouse and the equipment must be removed when no longer needed for, or capable of, domestic microgeneration.

- 2.5 Northern Ireland is currently out of step with the other jurisdictions in these islands in relation to ASHP. Currently to avail of permitted development rights in the North an ASHP must be sited at least 30 metres from another dwelling. In England it is now 1 metre, while Scotland and the South have no distance restriction and Wales 3 metres.
- 2.6 The current distance restrictions in the other jurisdictions take into account new technology advances within heat pumps and require that the ASHP must comply with the Microgeneration Certification Scheme (MCS) Planning Standards or equivalent standards. This in particular applies in relation to noise outputs of ASHPs.
- 2.7 The MCS scheme certifies, quality assures and provides consumer protection for microgeneration installations and installers. These consist of small scale renewable electricity technologies such as solar PV, biomass, wind, heat pumps and battery storage.
- 2.8 The MCS requires that the equipment and installers are certified and registered, and that the installer carries out a number of sound level calculations at the time the equipment is installed. MCS certification is a mark of quality and demonstrates compliance to industry standards

including the quality of products and competence of installers in the renewable technology sector. Making use of the MCS certification scheme in the permitted development rights should provide a threshold for sound consideration that neighbours of ASHP will find acceptable.

## **Proposals**

2.9 We are proposing:-

- that the ASHP must comply with MCS Planning Standards or equivalent standards;
- any part of the ASHP would be at least 1 metre from another dwellinghouse; and
- to increase the height restriction from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged.

**Question 1: Do you agree with the above proposals in relation to air source heat pumps?**

**Question 2: Do you have any additional amendments which you believe should be included? Please provide reasons.**

## **Ground or water source heat pumps**

2.10 The current permitted development rights for ground and water source heat pumps are detailed in Class F of Part 2 of the Schedule to the GPDO. This provides permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse subject to certain conditions and limitations.

Development is not permitted if:

- any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;
- any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or
- the dwellinghouse is within the curtilage of a listed building unless listed building consent for the development has previously been granted.

2.11 The permitted development right is also subject to the conditions that the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse and when no longer used to provide heat it must be removed as soon as reasonably practicable.

2.12 A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – generally the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to

drill a series of vertical boreholes that will carry the ground collector pipe.

- 2.13 A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is essentially the same unit as a GSHP, however, the heat source they use and the way they collect the heat is different.
- 2.14 The North is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations. In the South exempted development is provided for the installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) subject to certain restrictions.

## **Proposals**

- 2.15 We are proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

## **Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?**

## **Domestic Wind Turbines**

- 3.1 There are currently no permitted development rights in the North for domestic wind turbines reflecting the fact that such development can raise issues, including in relation to visual amenity, noise and interference with air navigation systems, which may be more appropriately considered in the context of a planning application.

- 3.2 Scotland, England and Wales do provide permitted development rights for domestic wind turbines subject to a number of limitations and conditions. In the South, exempted development provides for a wind turbine within the curtilage of a house subject to a number of restrictions.

## **Proposals**

- 3.3 The Department does not intend to bring forward proposals to provide for permitted development rights for domestic wind turbines at this time, but is seeking views on whether there is a demand or need for the introduction of such a right in the North.

**Question 4: If you have any views on whether permitted development rights for domestic wind turbines should be considered please provide details.**

## **Reverse Vending Machines**

- 4.1 Part 3 of the Schedule to the GPDO currently provides permitted development rights for Minor Operations.
- 4.2 The Department of Agriculture, Environment and Rural Affairs (DAERA) has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.
- 4.3 DAERA advise the proposals for DRS will reduce costs of handling litter to the rate payer and reduce littering of DRS containers by increasing recycling of drinks containers from 70% to 90%.

- 4.4 If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

## **Proposals**

- 4.5 The Department proposes adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically to allow for the installation, alteration or replacement of a reverse vending machine (RVM) in a wall of a shop or within the curtilage of a shop, subject to certain limitations and conditions. This is in line with the current permitted development rights in Scotland.
- 4.6 We are proposing:
- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
  - in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
  - the RVM must not exceed 4 metres in height;
  - the footprint of the RVM must not exceed 80 square metres;
  - it must not face onto and be within 5 metres of a road;
  - the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
  - the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.



**Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?**

**Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.**

**Question 7: From the list below, please select the category of respondent most appropriate to you.**

**Business and development interests**

**Resident/community groups/voluntary organisations**

**Environment and heritage**  **groups**

**Political party/elected representative**

**Council**

**Statutory consultee**

**Applicant**

**Architect/Planning consultancy/Agent**

**Other**

## Overview of Consultation Questions

Question 1: Do you agree with the above proposals in relation to air source heat pumps? .....	12
Question 2: Do you have any additional amendments which you believe should be included? Please provide reasons.....	12
Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?.....	14
Question 4: If you have views on whether permitted development rights for domestic wind turbines should be considered please provide details? .....	15
Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?.....	17
Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.....	17
Question 7: From the list below, please select the category of respondent most appropriate to you.....	17

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



## SCHEDULE 1

Article 2(2)(a)

### AMENDMENTS TO PART 2 OF THE SCHEDULE TO THE PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

3. For Class F and Class G substitute—

**“Class F**

**Permitted development**      **F.**      **The installation, alteration or replacement of a ground or water source heat pump within the curtilage of a dwellinghouse.**

**Class G**

**Permitted development**      **G.**      **The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.**

Development not permitted

- G.1      Development is not permitted by Class G if—
- (a) it would result in the presence within the curtilage of more than one air source heat pump;
  - (b) any part of the air source heat pump would be less than one metre from a dwellinghouse (other than the dwellinghouse on which the air source heat pump is being installed or replaced);
  - (c) any part of the air source heat pump would be situated on land forward of a wall which—
    - (i) faces onto a road; and
    - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.
  - (d) in the case of a dwellinghouse within a World Heritage Site or conservation area and any part of the air source heat pump faces onto and is visible from a road;
  - (e) the external unit of the air source heat pump would exceed 3 metres in height
  - (f) the air source heat pump would be installed on a roof; or
  - (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

- Conditions
- G.2 Development is permitted by Class G subject to the following conditions—
- (a) the air source heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and
  - (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable; and
  - (c) the air source heat pump must comply with MCS planning standards or equivalent standards.
- Interpretation of Class G
- G. 3 For the purposes of Class G “MCS Planning Standards” means the product and installation standards for air source heat pumps specified in Microgeneration Certification Scheme MCS 020<sup>1</sup>;

---

<sup>1</sup> Issue 1.3 dated 19<sup>th</sup> June 2019 at MCS-020.pdf (mcs-certified.com)

## SCHEDULE 2

Article 2(2)(b)

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

#### Amendments in relation to shops, financial or professional services establishments

##### 1. After Class C insert—

<b>“Class D Permitted development</b>	<b>D.</b>	<b>The installation, alteration or replacement of a reverse vending machine in a wall of a shop or within the curtilage of a shop</b>
Development not permitted	D.1.	Development is not permitted by Class D if— <ul style="list-style-type: none"><li>(a) the reverse vending machine would exceed 4 metres in height;</li><li>(b) its footprint would exceed 80 square metres;</li><li>(c) in the case of a reverse vending machine installed in the wall of a shop, any part of the development would protrude 2 metres beyond the outer surface of the wall;</li><li>(d) it would be situated within 15 metres of the curtilage of a building used for residential purposes;</li><li>(e) it would face onto and be within 5 metres of a road;</li><li>(f) the development would be within the curtilage of a listed building unless listed building consent has previously been granted; or</li><li>(g) the development would be within a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest.</li></ul>
Conditions	D.2.	Development is permitted by Class D subject to the following conditions— <ul style="list-style-type: none"><li>(a) where the reverse vending machine is no longer in operation the development must be removed as soon as reasonably practicable; and</li><li>(b) the land on which the development was situated, including any wall in which the development was installed must, as soon as reasonably practicable and so far as reasonably practicable, be reinstated to its condition before the development was carried out.</li></ul>
Interpretation of Class D	D.3.	For the purposes of Class D— “footprint” means an area of ground covered by

the development;

“reverse vending machine” means a machine for the purpose of accepting scheme packaging, reimbursing deposits for each item of scheme packaging accepted and retaining the scheme packaging for collection within the meaning of the [Deposit and Return Scheme Regulations] and any associated enclosure, building, canopy or other structure;

“scheme packaging” has the meaning given in [regulation xx of the Deposit and Return Scheme Regulations];

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

## **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 amends by substitution Class F and Class G of Part 2 of the Schedule to expand the scopes of that permitted development.

Schedule 2 of this Order amends Part 3 (Minor operations) of the Schedule to the 2015 Order to expand the scope of that permitted development by adding a new Class D (Reverse vending machines).

The Explanatory Memorandum is available alongside the Order on the government’s website [www.legislation.gov.uk](http://www.legislation.gov.uk)



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

### Part 2 Installation of domestic microgeneration equipment

<b>Class F Permitted development</b>	<b>F.</b>	<b>The provision of a ground or water source heat pump within the curtilage of a dwellinghouse.</b>
Development not permitted	F.1	Development is not permitted by Class F if— <ul style="list-style-type: none"> <li>(a) any part of the heat pump or its housing would be within 3 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;</li> <li>(b) any part of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the dwellinghouse nearest to that road;</li> <li>(c) it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or</li> <li>(d) the heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.</li> </ul>
Conditions	F.2	Development is permitted by Class F subject to the following conditions— <ul style="list-style-type: none"> <li>(a) the heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and</li> <li>(b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.</li> </ul>
<b>Class G Permitted development</b>	<b>G.</b>	<b>The installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.</b>
Development not permitted	G.1	Development is not permitted by Class G if— <ul style="list-style-type: none"> <li>(a) it would result in the presence within the curtilage of more than one air source heat pump;</li> <li>(b) any part of the air source heat pump would be less than 30 metres from a dwellinghouse (other than the dwellinghouse on which the air source</li> </ul>

heat pump is being installed, altered or replaced);

- (c) any part of the air source heat pump would be situated on land forward of a wall which—
  - (i) faces onto a road; and
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (d) in the case of a dwellinghouse within a World Heritage Site or conservation area any part of the air source heat pump faces onto and is visible from a road;
- (e) the external unit of the air source heat pump would exceed 2 metres in height;
- (f) the air source heat pump would be installed on a roof;
- (g) the air source heat pump would be situated within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

G.2

Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump would be used to provide heat for use within the curtilage of the dwellinghouse; and
- (b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.

## **Annex C – Screening for Equality Impact Assessment**

### **DEPARTMENT FOR INFRASTRUCTURE**

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

The purpose of this form is to help you to consider whether a new 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 quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

### **HUMAN RIGHTS ACT**

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

**Don't forget to Rural Proof.**

## 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.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

### Information about the policy

Name of the policy

Review of Permitted Development Rights

Is this an existing, revised or a new policy?

Existing Policy

What is it trying to achieve? (intended aims/outcomes)

To amend permitted development rights for (1) Installation of domestic microgeneration equipment; and (2) To add new permitted development rights for Reverse Vending Machines.

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 former Department of the Environment

Who owns and who implements the policy?

The Department for Infrastructure owns the policy. The Department for Infrastructure, Council Planning Departments and the relevant sectors of the

development industry/economy are the main groups/organisations that implement the policy.

## **Background**

This policy relates solely to amendments to the Planning (General Permitted Development) Order (NI) 2015 (GPDO) and is part of the Department's ongoing programme of expanding the scope of the permitted development regime. The Department is consulting on amendments to the GPDO. This is part of the Department's approach to better regulation, and 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.

The consultation document is seeking your views on proposals in relation to permitted development rights for:

- Installation of domestic microgeneration equipment; and
- Reverse vending machines (RVM).

### Domestic Microgeneration – Heat Pumps

The Department for Infrastructure is reviewing permitted development legislation for domestic low carbon heat installations to ensure it is up to date and fit for purpose and is consulting on changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

This policy proposes to change the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements particularly in relation to noise emissions. any specifics on this. This will make it easier and quicker for homeowners to install heat pumps.

### Reverse Vending Machines

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

DRS retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back. If permitted development rights are not provided retailers will be required to apply

for planning permission for RVM outside of their premises which would result in delays to the scheme implementation and represent an additional cost to retailers.

The Department for Infrastructure is proposing to introduce permitted development rights for RVM to facilitate this Deposit Return Scheme.

This policy proposes to add a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for RVM subject to certain limitations and conditions. These include:

- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall;
- the RVM must not exceed 4 metres in height;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and
- the permitted development right would not apply to the proposed installation of a RVM in a World Heritage Site, conservation area, an area of special scientific interest or a site of archaeological interest or within the curtilage of a listed building unless listed building consent has been granted.

### **Implementation factors**

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

If yes, are they (please delete as appropriate)

Legislative – The implementation of the policy will require amendments to subordinate legislation

### **Main stakeholders affected**

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

Staff Yes

service users Yes

other public sector organisations Yes

voluntary/community/trade unions No

other, please specify Yes – businesses, in particular Retailers and the providers and installers of heat pumps

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

- what are they? The Department of Agriculture, Environment and Rural Affairs Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimized.

Department for the Economy who are leading on the Executive's Energy Strategy. The Energy Strategy was published on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure who hold responsibility for the GPDO to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

- who owns them?

The Department of Agriculture, Environment and Rural Affairs  
Department for the Economy  
Department for Infrastructure

## Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to signpost to S75 data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

### **Religious belief** evidence / information:

The Department does not envisage or consider that there are likely to be any specific negative impacts associated with this policy.

There is no evidence to suggest that expanding the scope of the permitted development regime of itself, or generally, is more or less likely to adversely impact upon any s.75 group(s).

The Department does not therefore envisage any significant, adverse or unequal impact of these changes upon any s.75 category

### **Political Opinion** evidence / information:

As above

### **Racial Group** evidence / information:

As Above

### **Age** evidence / information:

As above

### **Marital Status** evidence / information:

As above

### **Sexual Orientation** evidence / information:

As above

### **Men & Women generally** evidence / information:



As above

**Disability** evidence / information:

As above

**Dependants** evidence / information:

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 of the needs, experiences and priorities for each of the Section 75 categories below:

### **Religious belief**

None – The policy relates solely to the permitted development rights for domestic heat pumps and RVM. No equality issues identified by expanding the scope of permitted development rights as the changes will be available to all potential users of the planning system. In line with the Equality Commission NI guidance, regular and ongoing monitoring and screening of each policy will be undertaken to examine any potential equality impacts. DAERAs Deposit Return Scheme will mean retailers will be responsible for providing means to take back containers, usually through RVM, or for small premises through manual take back.

### **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, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

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

If the public authority's 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 the public authority's 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?**

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**:

None – Expanding the scope of permitted development rights will be available equally to all potential users of the planning system who wish to install a domestic heat pump or require a RVM.

What is the level of impact? None – as above

Details of the likely policy impacts on **Political Opinion**: None – as above

What is the level of impact? As Above - None

Details of the likely policy impacts on **Racial Group**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Age**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: None – as above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: None – as above

What is the level of impact? **None**

Details of the likely policy impacts on **Disability**: **None – as above**

What is the level of impact? **None**

Details of the likely policy impacts on **Dependants**: **None – as above**

What is the level of impact? **None**

2. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?** Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief – No:** The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose and aligns with modern standards and requirements.

Proposals for a new permitted development right for reverse vending machines are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

There is no opportunity to better promote equality of opportunity.

**Political Opinion - No:** as above.

**Racial Group - No:** as above.

**Age - No:** as above.

**Marital Status - No:** as above.

**Sexual Orientation** - No: as above.

**Men and Women generally** - No: as above.

**Disability** - No: as above.

**Dependants** - No: 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?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None as the policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

There are no identified opportunities to promote good relations between persons of different religious belief.

What is the level of impact? **None**.

Details of the likely policy impacts on **Political Opinion**: **None – as above**

What is the level of impact? **None**

Details of the likely policy impacts on **Racial Group**: **None – as above**

What is the level of impact? **None**

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

**Religious Belief – No** - The policy driving these changes is aimed at protecting the environment by encouraging the use of low carbon heat technologies and promoting the recycling of drinks containers. The proposed changes will apply equally to all potential users of the planning system applying for permitted development rights under amendments to the Planning (General Permitted Development) Order (NI) 2015.

**Political Opinion - No** – as above.

**Racial Group - No** – as above.



## Additional considerations

### 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).*

There is no evidence that the policy has any impact on people with multiple identities.

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

None.

### 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 significant negative, adverse or unequal impacts associated with this policy. The expansion of the scope of permitted development rights are to facilitate policies to improve the environment and encourage recycling.

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.

In line with the Equality Commission NI guidance “regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts”

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

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 the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority 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** [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations	<b>Rating 1, 2 or 3</b>
Social need	<b>Rating 1, 2 or 3</b>
Effect on people's daily lives	<b>Rating 1, 2 or 3</b>
Relevance to a public authority's functions	<b>Rating 1, 2 or 3</b>

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

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

No

## Part 4. Monitoring

Public authorities 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 public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

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

## Part 5 - Approval and authorisation

Screened by: [David Doherty](#)

Position/Job Title: [Deputy Principal Planning](#)

Date: 17 [October 2022](#)

Approved by: [Irene Kennedy](#)

Position/Job Title: [Assistant Director](#)

Date: 17 [October 2022](#)

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

### **For Equality Team Completion:**

Date Received:

Amendments Requested: Yes / No

Date Returned to Business Area:

Date Final Version Received / Confirmed:

Date Published on DfI's Section 75 webpage:

## Annex D

<b>Title:</b> <b>Review of Permitted Development Rights</b>	<b>Regulatory Impact Assessment (RIA)</b>
	<b>Date:</b> October 2022
	<b>Type of measure:</b> Subordinate Legislation
<b>Lead department or agency:</b> Department for Infrastructure	<b>Stage:</b> Initial
	<b>Source of intervention:</b> Domestic NI
<b>Other departments or agencies:</b> N/A	<b>Contact details:</b> Irene Kennedy

### Summary Intervention and Options

<p><b>What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)</b>          This intervention fulfils a Departmental commitment to review the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) to provide enhanced permitted development rights (PDR) for heat pumps to ensure they are up to date and fit for purpose to align with modern standards and requirements. It also provides a new permitted development right for reverse vending machines (RVM). 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.</p>	
<p><b>What are the policy objectives and the intended effects? (7 lines maximum)</b>          The relaxation of permitted development rights is part of the Department's commitment to the Executive's Energy Strategy to review PDR for low carbon heat installations to ensure it is up to date and fit for purpose. Proposals for a new PDR for RVM are to facilitate the Department of Agriculture, Environment and Rural Affairs plans to introduce a Deposit Return Scheme for single-use drinks containers. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling. 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.</p>	
<p><b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)</b>          Essentially there are two options:</p> <ul style="list-style-type: none"> <li>• Option 1 - Do nothing (maintain the status quo); and</li> <li>• Option 2 - Review the GPDO.</li> </ul> <p>The review fulfils the Departmental commitment to review PDR for low carbon heat installations.</p> <p>The review will facilitate the installation of RVM in a significant number of cases and allow the industry greater certainty that they will be able to meet potential statutory obligations.</p> <p>Not to review the legislation, nor to consider in line with changes in other jurisdictions may be disadvantageous to local business and therefore is not an option.</p>	
<b>Will the policy be reviewed?</b> It will be reviewed	<b>If applicable, set review date:</b> January 2023

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

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>		
Is this measure likely to impact on trade and investment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>		
Are any of these organisations in scope?	<b>Micro</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Small</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Medium</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Large</b> 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:

**ECONOMIC ASSESSMENT (Option )**

<b>Costs (£m)</b>	<b>Total Transitional (Policy)</b> (constant price)      Years		<b>Average Annual (recurring)</b> (excl. transitional) (constant price)	<b>Total Cost</b> (Present Value)
<b>Low</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>High</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>Best</b>				
<p><b>Description and scale of key monetised costs by ‘main affected groups’</b> Maximum 5 lines                      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 permitted development.                      There will be a cost to business in relation to heat pumps in undertaking the microgeneration certification compliance procedure, however this should be less onerous than the costs associated with planning applications.</p>				
<p><b>Other key non-monetised costs by ‘main affected groups’</b> Maximum 5 lines                      None.</p>				
<b>Benefits (£m)</b>	<b>Total Transitional (Policy)</b> (constant price)      Years		<b>Average Annual (recurring)</b> (excl. transitional) (constant price)	<b>Total Benefit</b> (Present Value)
<b>Low</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>High</b>	<b>Optional</b>		<b>Optional</b>	<b>Optional</b>
<b>Best</b>				
<p><b>Description and scale of key monetised benefits by ‘main affected groups’</b> Maximum 5 lines                      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 the relaxations would be positive overall. A significant number of retailers would benefit from not having to expend the costs associated with preparing and submitting a planning application for RVM. Home owners would benefit from not having to pay for the planning application for heat pumps.</p>				
<p><b>Other key non-monetised benefits by ‘main affected groups’</b> Maximum 5 lines                      The introduction of additional or extended permitted development rights will allow certain forms of development to proceed without the requirement or administrative burden on business or homeowners 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.</p>				
<p><b>Key Assumptions, Sensitivities, Risks</b> Maximum 5 lines                      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.</p>				



## **BUSINESS ASSESSMENT (Option )**

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

## **Cross Border Issues (Option 2)**

### **How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines**

This option will bring NI closer to the 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. However, applying for planning permission places an administrative burden on business / home owners.

Where a development 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 to 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:

- the installation of domestic microgeneration equipment; and
- reverse vending machines.

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 and the public. The specific benefits include:

- homeowners will not have to meet the costs for planning applications up front or as part of an installation cost for installing domestic heat pumps;

- retail outlets will have greater certainty that they could meet the statutory requirements of the Deposit Return Scheme;
- reduced costs associated with preparing and submitting a planning application; 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

## Installation of domestic microgeneration equipment

The Executive published an Energy Strategy on 16 December 2021, and its accompanying Action Plan was published on 20 January 2022. This Action Plan contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.

The review has now been completed and the Department is proposing changes to the nature and scale of permitted development rights for the installation, alteration or replacement of heat pumps to align with modern standards and requirements.

### Air Source Heat Pumps

Air source heat pumps (ASHP) are a low carbon technology that extract heat energy from the air in order to warm houses and provide hot water. The ASHP Unit essentially needs to be fitted outside the home on a wall or on the ground with enough space to ensure a good flow of air.

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 in Northern Ireland is the most restrictive.

The Department proposes to amend the permitted development rights so that:

- the air source heat pump must comply with MCS Planning Standards or equivalent standards;
- any part of the air source heat pump would be at least 1 metre from a dwellinghouse;
- the height restriction is increased from 2 metres to 3 metres.

The other restrictions and conditions including those in relation to World Heritage Sites, conservation areas and listed buildings will remain unchanged

### Ground or water source heat pumps

A ground source heat pump (GSHP) needs space for the ground loops for a horizontal collector – the available land needs to be at least two and a half times larger than the entire floor area of the property. There also needs to be space for a plant room to hold the heat pump and cylinder. Because of this, only larger properties or those in a rural location are generally suited to a GSHP. The alternative is to drill a series of vertical boreholes that will carry the ground collector pipe.

A water source heat pump uses submerged pipework to absorb energy from water sources such as lakes, ponds, rivers, aquifers and mine water. It is generally the same unit as a

ground source heat pump, however, the heat source they use and the way they collect the heat is different.

Northern Ireland is currently out of step with the other jurisdictions in relation to ground and water source heat pumps which are currently permitted development in Scotland, England and Wales with no conditions or limitations.

The Department is proposing to align the permitted development rights with Scotland, England and Wales and propose to provide permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

## **Reverse Vending Machines**

The Department of Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme (DRS) for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised.

If retailers are required to apply for planning permission for reverse vending machines outside of their premises it could result in delays to the scheme implementation and represent an additional cost to retailers.

The Department propose adding a new Class D to Part 3 (minor operations) of the Schedule to the GPDO specifically for reverse vending machines subject to certain limitations and condition. The Department is proposing:

- there should be no limit to the number of RVM that can be installed within the curtilage of a shop;
- in the case of a RVM installed in the wall of a shop, any part of the development must not exceed 2 metres beyond the outer surface of that wall or equivalent standards;
- the footprint of the RVM must not exceed 80 square metres;
- it must not face onto and be within 5 metres of a road;
- the RVM must not be situated within 15 metres of the curtilage of a building used for residential purposes; and

the permitted development right would not apply to the proposed installation of a RVM in an area of special scientific interest or a site of archaeological interest or the curtilage of a listed building unless listed building consent has been granted.

## **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 had 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 who install domestic heat pumps. In addition small firms involved in the supply chains of these firms could benefit.