
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 292

PLANNING

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

Made - - - - 30th November 2020

Coming into operation 21st December 2020

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32 and 247(6) of the Planning Act (Northern Ireland) 2011⁽¹⁾ and now vested in it⁽²⁾.

Citation and commencement

1. This Order may be cited as the Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020 and comes into operation on 21st December 2020.

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

2.—(1) The Planning (General Permitted Development) Order (Northern Ireland) 2015⁽³⁾ is amended in accordance with paragraph (2) and (3).

(2) In Article 7(1) for “21” substitute “28”.

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

- (a) Part 3 (Minor Operations) is amended in accordance with Schedule 1;
- (b) in Class A(b) of Part 13 (Development by Councils) for “car” substitute “vehicle”;
- (c) for Part 16 (Mineral Exploration) substitute Part 16 as set out in Schedule 2;
- (d) for Part 18 (Development by Electronic Communications Code Operators) substitute Part 18 as set out in Schedule 3;
- (e) in Class A(b) of Part 28 (Development by the Crown) for “car” substitute “vehicle”; and
- (f) Part 34 (Shops, financial and professional services establishments) is amended in accordance with Schedule 4.

⁽¹⁾ 2011 c. 25 (N.I.)

⁽²⁾ S.R. 2016 No. 76, article 8(1)(b) and Schedule 5, Part 2.

⁽³⁾ S.R. 2015 No. 70

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Sealed with the Official Seal of the Department for Infrastructure on 30th November 2020.



Angus Kerr
A senior officer of the Department for
Infrastructure

SCHEDULE 1

Article 2(3)(a)

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

3. After Class C insert—

“Class D

Permitted development D. **The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.**

Development permitted not D.1 Development is not permitted by Class D if the outlet and its casing would—

- (a) exceed 0.2 cubic metres;
- (b) be within 2 metres of a road;
- (c) be within a site of archaeological interest; or
- (d) be within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions D.2 Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles—

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

Class E

Permitted development E. **The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.**

Development permitted not E.1 Development is not permitted by Class E if the upstand and the outlet would—

- (a) in relation to an upstand and outlet—
 - (i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or
 - (ii) in any other case, exceed 2.3 metres in height from the level of the surface used for the parking of vehicles;
- (b) be within 2 metres of a road;
- (c) be within a site of archaeological interest;
- (d) be within the curtilage of a listed building unless listed building consent for the development has previously been granted; or

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| | | (e) result in more than 1 upstand being provided for each parking space. |
| Conditions | E.2 | Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles— <ul style="list-style-type: none"> (a) the development is removed as soon as reasonably practicable; and (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out. |
| Interpretation of Class E | E.3 | For the purposes of Class E “block of flats” means a building which consists of at least two flats. |
| Class F | | |
| Permitted development | F. | The replacement of an on-street original upstand with an electrical outlet mounted on it for recharging electric vehicles. |
| Development permitted | not F.1 | Development is not permitted by Class F if the upstand and the outlet would— <ul style="list-style-type: none"> (a) exceed 2.0 metres in height from the level of the surface used for the parking of vehicles; (b) be within a site of archaeological interest; (c) be within the curtilage of a listed building unless listed building consent for the development has previously been granted; or (d) result in more than 1 upstand being provided for each parking space. |
| Conditions | F.2 | Development is permitted by Class F subject to the conditions that when the development is no longer needed as a charging point for electric vehicles— <ul style="list-style-type: none"> (a) the development is removed as soon as reasonably practicable; and (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out. |
| Interpretation of Class F | F.3 | For the purposes of Class F “original upstand” means an upstand with an electrical outlet mounted on it for recharging electric vehicles, lawfully present on 20th December 2020. ” |

SCHEDULE 2

Article 2(3)(c)

SUBSTITUTION OF PART 16 OF THE SCHEDULE TO THE PLANNING
(GENERAL PERMITTED DEVELOPMENT) ORDER (NORTHERN IRELAND) 2015

“PART 16

MINERAL EXPLORATION

Class A

| | | |
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| Permitted development | A. | Development on any land during a period not exceeding 4 months consisting of— (a) the drilling of boreholes; (b) the carrying out of seismic surveys; or (c) the making of other excavations; for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations. |
| Development not permitted | A.1 | Development is not permitted by Class A if— (a) it consists of the drilling of boreholes for petroleum exploration; (b) the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale; (c) any operation is within an area of special scientific interest or a site of archaeological interest; (d) any explosive charge of more than 1 kilogram is used; (e) any structure assembled or provided would exceed 12 metres in height; (f) any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport; (g) the relevant period has not elapsed. |
| Conditions | A.2. | Development is permitted by Class A subject to the following conditions— (a) the development shall be carried out in accordance with the details contained in the developer’s written notification to the council referred to in paragraph A.1(b), unless the council otherwise agrees in writing; (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the council so agrees in writing; |

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- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from the cessation of operations unless the council, in a particular case, agrees otherwise in writing—
 - (i) any borehole shall be adequately sealed;
 - (ii) any excavation shall be filled from material from the site;
 - (iii) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land;
 - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer; and
 - (v) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

Interpretation of Part 16 C

For the purposes of Part 16—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“petroleum” has the same meaning as given in section 1 of the Petroleum Act 1998;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 7, 28 days after the notification referred to in paragraph A.1(b) or, if earlier, on the date on which the council notifies the developer in writing that it will not issue such a direction, or
- (b) where a direction is issued under article 7, 28 days from the date on which notice of that decision is sent to the Department, or, if earlier, the date on which the council notifies the developer that the Department has disallowed the direction;

“structure” means a building, plant or machinery or other structure.”

SCHEDULE 3

Article 2(3)(d)

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

“PART 18

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

Class A

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| Permitted development | A. | Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of— <ul style="list-style-type: none">(a) the construction, installation, alteration or replacement of any electronic communications apparatus and any associated hard standing or supporting structure;(b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus, required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or(c) development ancillary to equipment housing. |
| Development not permitted | A.1 | Development is not permitted by Class A if— <ul style="list-style-type: none">(a) it is to be carried out in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park unless—<ul style="list-style-type: none">(i) it is an emergency;(ii) it involves the installation, alteration or replacement of any underground apparatus;(iii) it involves the installation, replacement or alteration of telegraph poles, the installation of new overhead lines on such poles or is ancillary to such development; or(iv) it is development which is permitted by virtue of A.1(d), A.1(f), A.1(l) or A.1(m);(b) the land is within a site of archaeological interest or a World Heritage Site unless it involves the installation of new overhead lines supported by existing poles;(c) it is within the curtilage of a listed building unless listed building consent for the development has previously been granted;(d) it involves the replacement or alteration of an existing mast which is ground based or the |

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installation of apparatus on such a mast which results in—

- (i) an increase in the overall height of the original structure of—
 - (aa) in the case of an existing mast which is 20 metres or less in height, more than 7 metres to a maximum height of 25 metres; or
 - (bb) in the case of an existing mast which is more than 20 metres in height but less than 50 metres, more than 5 metres; or
 - (cc) in the case of an existing mast which is more than 50 metres in height, more than 15% of the original height of the structure;
- (ii) an increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of more than—
 - (aa) one metre; or
 - (bb) one third of the original width of the structure;
 whichever is the greater; or
- (iii) a change of location of more than 6 metres from the location of the existing mast;
- (e) it involves the construction or installation of a ground based mast which is not a replacement of an existing ground based mast;
- (f) in the case of the installation, alteration or replacement of equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on a roof of a building, the development would exceed 30 cubic metres;
- (g) it involves the installation on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would result in such apparatus (taken together with any equipment housing on which such apparatus is mounted) exceeding—
 - (i) 6 metres in height in the case of a building which is less than 15 metres in height; or
 - (ii) 8 metres in height in the case of a building which is more than 15 metres in height; or
 - (iii) 2 metres when measured horizontally at its widest point;
- (h) it involves the alteration or replacement on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would

result in that apparatus (taken together with any equipment housing on which such apparatus is mounted) exceeding—

- (i) 6 metres in height or if greater the current height of the apparatus which is being altered or replaced in the case of a building which is less than 15 metres in height; or
 - (ii) 8 metres in height or if greater the current height of the apparatus which is being altered or replaced in the case of a building which is more than 15 metres in height; or
 - (iii) 2 metres measured horizontally at its widest point or if greater the current horizontal measurement of the apparatus which is being altered or replaced;
- (i) in the case of the installation of ground based apparatus, other than equipment housing or an antenna, the apparatus would exceed a height of 15 metres above ground level;
- (j) in the case of the alteration or replacement of ground based apparatus already installed, other than equipment housing or an antenna, the apparatus would when altered or replaced exceed—
- (i) the height of the existing apparatus; or
 - (ii) a height of 15 metres above ground level; whichever is greater;
- (k) in the case of the installation, alteration or replacement of any ground based apparatus other than—
- (i) a mast;
 - (ii) a public call box;
 - (iii) any apparatus which does not project above the surface of the ground;
 - (iv) equipment housing; or
 - (v) any kind of antenna;
- the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;
- (l) in the case of the installation, alteration or replacement of any apparatus on a dwellinghouse or within the curtilage of a dwellinghouse that apparatus—
- (i) is not a small antenna; or
 - (ii) being a small antenna—
 - (aa) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than two such antennas;
 - (bb) is installed on a dwellinghouse so that the highest part of it would be higher than the highest part of the roof on which it would be installed; or

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

Conditions

A.2

(1) Class A(a) and A(c) development is permitted subject to the condition that any apparatus constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A development is permitted subject to the condition that any apparatus or structure provided in

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accordance with that permission shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes.

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

- (a) any apparatus or structure provided in accordance with that permission shall be removed from the land—
 - (i) at the expiry of 18 months from the commencement of the use permitted; or
 - (ii) when the need for that use ceases; whichever is the earlier; and
- (b) the land is restored to its condition before the development took place.

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

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

(5) Class A.1(a)(iii) development is permitted subject to the condition that the developer shall—

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

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

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

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- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(7) The notice referred to in sub-paragraphs 6(a) and (b) shall be accompanied by a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0Hz to 300 GHz).

(8) In the case of Class A(a) and A(b) development consisting of—

- (a) the alteration of a ground based mast which would result in an increase in the height of the mast;
- (b) the installation of apparatus on a building, other than equipment housing or an antenna system, which would result in the apparatus exceeding the height of the highest part of the existing building;
- (c) the alteration or replacement of apparatus on a building, other than equipment housing or an antenna system, which would result in an increase in the height of the apparatus; or

(d) the replacement of a ground based mast; on land within a safeguarding area identified on a safeguarding map relating to an aerodrome, technical site, meteorological technical site or military explosives storage area is permitted subject to the condition that the developer shall give written notice—

- (i) in relation to a safeguarding map issued or approved by the Civil Aviation Authority, to the owner or operator of the aerodrome or technical site identified on the safeguarding map;
- (ii) in relation to a safeguarding map issued by the Secretary of State for Defence, to the Secretary of State for Defence; and
- (iii) in relation to a safeguarding map issued by the Met Office, to the Met Office.

(9) The notice referred to in sub-paragraph 8 must—

- (a) include—
 - (i) a grid reference (to at least 6 figures each of Eastings and Northings) and the elevation height of the site (to an accuracy of 0.25 metres above Ordnance Datum); and

- (ii) where development is carried out in an emergency, the date development commenced or is to commence;
- (b) be given—
 - (i) at least 28 days before development is to commence; or
 - (ii) where development is carried out in an emergency, as soon as possible after the emergency arises.

Interpretation of Part 18

A.3

For the purposes of Part 18—

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

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

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

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

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

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

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

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

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

“small antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;

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- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
 - (iii) may include small-area wireless access points;
 - (iv) does not, in any two dimensional measurement, have a surface area exceeding 5000 square centimetres; and
 - (v) does not have a volume exceeding 50,000 cubic centimetres;
- and any calculation for the purposes of paragraphs (iv) and (v) is to include any power supply unit or casing but excludes any mounting, fixing, bracket or other support structure;
- “small-area wireless access point” means low-power wireless network access equipment of a small size operating within a small range, using licenced radio spectrum or licence-exempt radio spectrum or a combination thereof, which may be used as part of a public electronic communications network, which may be equipped with one or more low visual impact antennae, and which allows wireless access by users to electronic communications networks regardless of the underlying network topology, be it mobile or fixed.”

SCHEDULE 4

Article 2(3)(f)

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

Amendments in relation to shops, financial or professional services establishments

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

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

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

5. After Class C insert—

“Class D

Permitted development D.

Development not D.1.
permitted

Development of modification of a loading bay of a shop.

Development is not permitted by Class D if—
(a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%;

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| | | (b) the development would be within the curtilage of a listed building unless listed building consent has previously been granted; |
| | | (c) the development would be within a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest. |
| Conditions | D.2. | Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop. |
| Interpretation of Class D | D.3. | For the purposes of Class D— “goods vehicle” has the same meaning as the meaning given in Article 2 of the Road Traffic (Northern Ireland) 1981; “loading bay” means any facility, including vehicle ramps, for the loading or unloading of goods vehicles; “shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order.” |

EXPLANATORY NOTE

(This note is not part of the Order)

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

Schedule 1 of this Order inserts a new Class D, Class E and Class F into Part 3 (Minor Operations) of the Schedule to the 2015 Order. Class D, and Class E, permit the installation of wall mounted, and freestanding, electric vehicle charging points in off-street parking areas. Class F permits the replacement of an existing (lawful), freestanding, on-street electric vehicle charging point.

Part 16 (Mineral Exploration) of the Schedule to the 2015 Order describes mineral exploration development in respect of which no specific application for planning permission is needed as permission is granted by Article 3 of that Order.

Schedule 2 to this Order amends by substitution Part 16 of the Schedule to remove permitted development rights for petroleum exploration.

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

Schedule 3 of this Order amends by substitution Part 18 of the Schedule to expand the scope of that permitted development.

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Schedule 4 of this Order amends Part 34 (Shops, Financial and Professional Service Establishments) of the Schedule to the 2015 Order to expand the scope of that permitted development.

A regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or accessed at www.infrastructure-ni.gov.uk

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