

FACTFILE:

GCSE

CONSTRUCTION AND THE BUILT ENVIRONMENT

UNIT 2: SUSTAINABLE CONSTRUCTION



The Planning System

Unit

Unit 2: Sustainable Construction

Purpose of FactFile?

Provide further information to both teacher and students on the purpose of the planning system and to provide an understanding of why planning permission may or may not be granted for construction projects.

Specific Learning Outcomes supported by the FactFile?

Learning outcome from **Unit 2: Sustainable Construction**

Discuss and demonstrate knowledge and understanding of why planning permission may or may not be granted for construction projects and/or plans, referring to the following:

- current planning legislation;
- environmental protection;
- green belts and conservation areas;
- design, scale and massing;
- types of planning permission; and
- enforcement of planning legislation.

Target audience? Student? Teacher? Both?

Both student and teacher.

How the FactFile supports development of Key Stage 4 Statutory skills?

Communication in reading of the FactFile information and producing written responses to the activities and questions.

Problem solving through research activities.

Talking and listening in response to the group or individual research activity findings.

Use of ICT as a research tool and a platform for collating their findings.

Purpose of the Planning System

The purpose of the planning system is to control the process of managing the development of our land and buildings. The planning process seeks to provide protection to our heritage while improving the infrastructure which we depend on to provide us with a sustainable and healthy community.

Local planners are responsible for deciding whether a development project such as an airport, shopping centre, extension to your home or school should be allowed to go ahead.

Our land, countryside, natural habitats and existing buildings are protected by legislation. Therefore in most cases before a construction project can go ahead you must ensure that you have the correct planning permission.

Planning permission is required in most cases where there is a proposal to develop a building or land, and in the case of the material change of use of land or a building. Some examples include:

- New dwellings;
- New business or industrial premises;
- Wind farms;
- Demolishing a building which is listed or within a conservation area;
- Converting of a single dwelling into separate apartments;
- Changing land use from agricultural to waste disposal;
- Displaying advertisements on the external face of a building.

You should always check with your local council planning department if planning permission is required before carrying out development

Planning legislation in Northern Ireland (N.I.)

Legislation is the term used to describe a collection of laws. Planning laws are the rules regarding the development within a region or country. These laws are enforced by the imposition of fines and other penalties.

Development is the carrying out of building works, mining, engineering, or other operations on or over the land. It also includes making any material change in the use of a building or land.

The **Planning Act (NI) 2011** is the most recent primary piece of legislation in N.I. It allowed for the transfer of the majority of planning duties from central government to the eleven local district councils on 01 April 2015.

Some parts of the previous piece of legislation, the **Planning (Northern Ireland) Order 1991**, remain in force.

In May 2016 central government planning functions within Northern Ireland were reassigned to the new Department for Infrastructure (DfI). Planning responsibility is now shared between the local councils and the DfI.

Below is a list of the eleven local councils in Northern Ireland:

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council.

The **councils** are responsible for:

- Local development planning;
- Making a decision on all small and major planning applications within their area;
- Enforcing the planning legislation and making a decision on what action to take if someone does not live by it.

The **Department for Infrastructure** is responsible for:

- Making decisions on regionally significant applications (such as large infrastructure projects);
- Producing the Regional Development Strategy for Northern Ireland;
- Producing regional planning policy and legislation;
- Providing an oversight and direction for the local district councils.



'Planning Approval'

Environmental Protection

Consider the following questions:

- What is meant by our local environment?
- What makes up our natural environment?
- Why do we need to protect local habitats?
- List how construction and the development of land could have a negative impact on our local environment and natural habitats.

The planning department plays an important role in ensuring that our environment is protected. As a result they need to assess any application to ensure that it will not have a detrimental impact on our natural habitats. Planners need to protect rare species such as bats and protected sites such as wetlands.

Planners create planning policy documents on particular aspects of land-use planning. Designers must take into account these policies when preparing development plans and planning applications. An example of such a policy is Planning Policy Statement 21 Sustainable Development in the Countryside. With regards to natural habitats the policy aims to check that present activities and future projects are assessed to ensure that they will retain or restore the extent and quality of rare habitat types and that they can survive in and around the application site.

Greenbelts

A greenbelt is a land use designation. The planners will designate land as 'greenbelt land' when they wish to protect it and for it to remain largely undeveloped. Greenbelts are generally found alongside cities, town or villages where the planners have designated the land as greenbelt to reduce the expanding urban development. Greenbelts therefore reduce urban sprawl, which is the process where settlements continue to expand outwardly into the countryside. By preventing settlements from expanding into the countryside more of the land is retained for natural habitats and agriculture. In addition, developers are encouraged to use and revitalise existing development sites within our settlements.

Conservation Areas

What is a conservation area?

Areas which are deemed to be of special architectural or historic interest in character or appearance and which local councils and the department wish to enhance and preserve are protected by legislation (Planning (NI) Order 1991) in Northern Ireland. The areas protected are termed Conservation Areas.

Conservation Areas may include:

- City districts;
- Towns;
- Villages;
- Streets;
- A housing development.

Protecting the existing character and appearance of Conservation Areas

Developers are required to produce a design proposal which honours or complements the particular qualities of a conservation area when they apply for planning permission. The planners will not permit a builder to demolish buildings or develop within these areas where any proposal would negatively affect the character, appearance or surrounding of a Conservation Area.

Demolishing even a single building or structural feature within a Conservation Area may result in its character or appearance being severely impacted negatively. In these cases if planning permission has not been obtained by the developer it is highly likely that the council will take them to court.

Activity

Go to www.planningni.gov.uk/index/policy/supplementary_guidance/conservation/conservation_map.htm

1. Use the interactive map to identify conservation areas within your local area.
2. Discuss or list the features of special architectural or historic interest in your area.
3. Why do you think the planning department has chosen to protect the features within the conservation area?

Building Design, Scale and Massing

Designers must ensure that they follow all local planning legislation and local design policies when producing development proposals. When designing new housing developments, single buildings and extensions, architects and designers must ensure that their proposals are in keeping with the existing pattern of development within the local area.

The proposed development must respect the surrounding area and be of a similar scale, proportion and massing. For example, if the buildings in the surrounding area are mostly single storey dwellings then it may be unacceptable to propose the dense development of a number of three storey blocks of apartments. In addition, the planners will want any proposal to take inspiration from the best local traditions of building form, materials and design detail. Therefore designers often use local materials and construction methods to ensure that their proposal blends in with the local natural and built environment.

New developments, through their design and layout, should not create conflict with neighbouring residents and land users by creating loss of light, shadowing, noise or overlooking.

The use of renewable energy technologies and sustainable construction techniques is encouraged by the planning department provided that the overall proposed development is acceptable in terms of the building size, scale and use of external materials.

The density and overall scale of any new development should be similar to that of the neighbouring development and respect the existing character of any area, particularly when proposed developments are in protected areas such as Conservation Areas. Listed buildings and archaeological features should be protected where possible and suitably integrated into the layout and design of any new development.

Types of Planning Permission

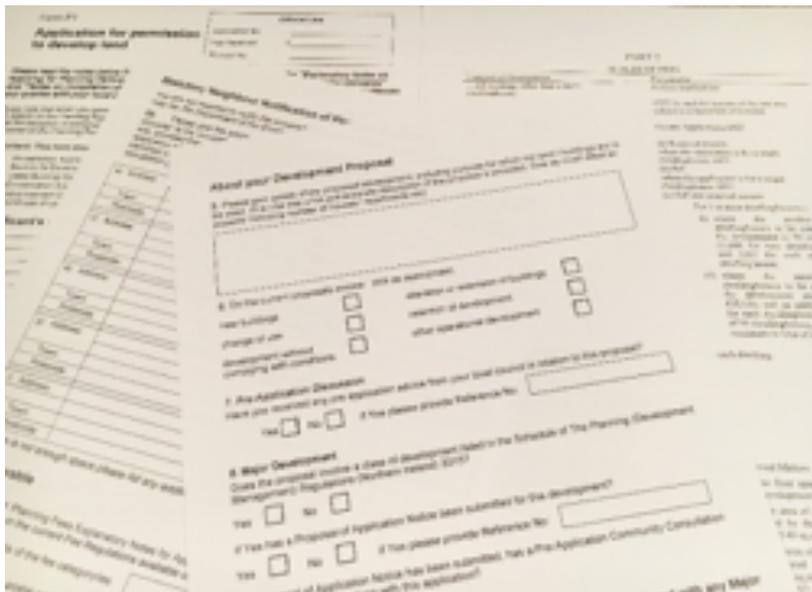
There are three main types of planning permission.

- **Outline Planning Permission.** This is useful to check the feasibility of a project before a lot of design work is carried out. If granted, it indicates that the planning department approve in principle. Conditions that constrain the detailed design will often be included in the approval document.
- **Reserved Matters Permission.** Following the approval of outline planning permission the design team will complete a reserved matters application that shows the detailed designs that are proposed to meet the conditions within the outline planning permission.
- **Full Planning Permission.** This gives permission to undertake the detailed proposals as submitted in the application documents.

When making a planning application the applicant must include the following:

1. The completed forms;
2. The drawings – site plan, layout plan etc.;
3. A Certificate of Ownership;
4. The required fee.

For large or complex applications to help them make a decision on the proposal, the planners may ask for studies to be carried out such as an Environmental Impact Assessment.



Planning Application Forms

Credit: Mark Walker (FactFile Author)

Enforcement of Planning Legislation

The Planning Act (Northern Ireland) 2011, provides planning enforcement powers to the local district councils. Planning enforcement must be effective and is crucial to ensure that the principles of the planning system are not threatened.

Therefore if you construct a building or make material changes to it or the use of land when planning permission is required, and you do the work without first getting permission, then your local council will serve you with an enforcement notice.

The enforcement notice will list the breach of control and order it to be corrected. The notice will provide a period of time within which the breach must be corrected.

Failure to follow the instructions within an enforcement notice could result in a large fine. In some cases the council will enter the site and carry out the remedial work required by the notice following which they will recover the costs of the work carried out from the land owner.

Further information on planning enforcement is available from the link below:

www.planningni.gov.uk/index/advice/overview-planning-enforcement-responsibilities.htm

Examples of prosecutions by planning enforcement

Two men were each fined £10,000 plus costs at Omagh Magistrates' Court. Both were found guilty for non-compliance with a Planning Enforcement Notice and each was also made to pay the legal fees. The Enforcement Notice required them to cease the storage of vehicles and equipment, remove the hardcore and add topsoil and reseed the site at Aughadulla Road, Omagh.

http://www.planningni.gov.uk/index/news/dfi_planning_news/news_newsreleases_archive/news_releases_2014/dromore_father_son_fined.htm

A Newry man was fined £30,000 plus £805 in legal costs and £15 court costs at Newry Magistrates' Court on Monday 16 February 2015. He was found guilty of non-compliance with a Planning Enforcement Notice.

http://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/newry_man_fined_offence.htm

See the local council press office for news articles on cases where fines have been issued for not complying with enforcement notices.

Additional information sources?

The following web links may be useful:

Planning information

<http://www.planningni.gov.uk>

A Sustainable Design Guide for the Northern Ireland Countryside

http://www.planningni.gov.uk/index/policy/supplementary_guidance/guides/building_on_tradition_-_a_sustainable_design_guide_for_the_northern_ireland_countryside_.htm

Conservation areas and advice

<https://www.nidirect.gov.uk/articles/conservation-areas-and-advice>

Planning enforcement

<http://www.planningni.gov.uk/index/advice/overview-planning-enforcement-responsibilities.htm>

Search planning applications

<http://www.planningni.gov.uk/index/tools/public-access-info.htm>

