



<b>Title of Report:</b>	<b>Article 4 Direction to Remove Permitted Development for Part 5 Class B Temporary Buildings and Uses within 1 mile of the World Heritage Site.</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23 September 2020</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2015-19)</b>	
Strategic Theme	Protecting and Enhancing our Environments and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Head of Planning

<b>Budgetary Considerations</b>	
Cost of Proposal	Minimal for serving of notice
Included in Current Year Estimates	
Capital/Revenue	
Code	
Staffing Costs	No additional costs

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	No	Date: 09/09/2020
	EQIA Required and Completed:	Will be require for Directive	Date: 09/09/2020
Rural Needs Assessment (RNA)	Screening Completed	No	Date: 09/09/2020
	RNA Required and Completed:	Will be require for Directive	Date: 09/09/2020
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date: 09/09/2020
	DPIA Required and Completed:	Will be require for Directive	Date: 09/09/2020

## **1.0 Background**

- 1.1** Class B of Part 5 Temporary Buildings and Uses of The Planning (General Permitted Development) Order (Northern Ireland) 2015 permits development for the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the holding of a market or motor car and motorcycle racing, including trials of speed, and practising for these activities. It permits the provision on the land of any moveable structure for the purposes of the permitted use. Development is not permitted under Class B if the land in question is a building or is within the curtilage of a building; the use of the land is for a caravan site; or the land is within a site of archaeological interest.
- 1.2** Car parking is a seasonal issue in the vicinity of the WHS with cars lining the approach roads and causing major congestion on these small rural roads. In this area temporary carpark uses are difficult for Planning Enforcement to take action against due to Class B of Part 5 of The Planning (General Permitted Development) Order (Northern Ireland) 2015. This Class allows for such temporary uses to take place for a period of 28 days in every calendar year provided the land in question is not a building or within the curtilage of a building or within a site of archaeological interest. Subject to these limitations, there is no breach in planning until the use is in operation for 29 days or more in any calendar year. The operational breach, when reported to Planning requires to be monitored and evidence gathered for these 29 plus days of operation.
- 1.3** Subject to the limitations, Class B also allows for the car park to move from one agricultural field to another, each for a period of 28 days per calendar year without there being a breach of Planning.
- 1.4** The Head of Planning has had a remote meeting with Department for Infrastructure officials who advised that Minister Mallon has had a meeting where temporary car parking in the vicinity of the Giants Causeway World Heritage Site (WHS) was raised as an issue. Officials advised that the Minister is keen to address this issue.

## **2.0 Details**

- 2.1** A remote meeting took place on 11 June 2020 between the Head of Planning and the Chief Planner within DfI and another official. Concern was raised by DfI officials regarding temporary carparking in the vicinity of the WHS and they advised that the Minister was keen to address this issue. DfI officials requested that Council consider introducing an Article 4 Direction to remove temporary permitted development for car parking within the vicinity of the WHS to resolve this issue.
- 2.2** The Head of Planning advised that DfI could make amendments to The Planning (General Permitted Development) Order (Northern Ireland) 2015 to address this issue. DfI officials agreed to consider but requested that Council also considers a Direction under Article 4 of The Planning (General Permitted Development) Order (Northern Ireland) 2015.

- 2.3** Dfl officials responded on 03 August 2020 to advise that they have investigated the possibility of introducing a limitation in temporary changes of use permitted development rights around WHS. They advise that there is no similar limitation in other UK jurisdictions and have concerns on the impact on the appropriate use of this permitted development elsewhere in the WHS. They request that Council investigate the possibility of introducing an Article 4 Direction to address the issue.
- 2.4** An Article 4 Direction allows a Council to restrict the range of permitted development rights within a particular area, and that planning permission must be obtained first for such development. It is considered that such a Direction is required to manage temporary carparking operating in the vicinity of the WHS which impacts on its setting. By removing permitted development rights for such uses would allow Council to manage the location and number of carparks whilst protecting the setting of this asset. It is considered that the greatest impact from temporary carparks on the setting of the WHS is within a 1 mile radius from the access point and is seasonal.
- 2.5** An Article 4 Direction by Council will require approval from Dfl.
- 2.6** **Option 1** – To implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the WHS.

By implementing an Article 4 Direction will enable Council to manage the location and number of temporary carparks in the vicinity of the WHS. This will improve the visitor experience approaching the WHS by ensuring carparks are located where they respect the setting of this important asset. It would also allow Planning Enforcement to take quicker action on unauthorised car parks in this area. However, by removing the temporary uses may result in greater congestion along these rural roads should they continue to park along the roadside rather than using approved parking facilities.

- 2.7** **Option 2** – Not to implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the WHS.

The number of temporary carparks in the vicinity of the WHS will continue unmanaged with the ability to move from one agricultural field to another with limited enforcement powers to take action due to the permitted right to operate for 28 days in each agricultural field each calendar year. This limits Council's ability to manage the number and location of such uses and the impact that they have on the setting of the WHS. It may, however, reduce the congestion during peak times along the rural road network by providing alternative parking provision other than the approved carparks

### **3.0 Recommendation**

- 3.1** **IT IS RECOMMENDED** that the Planning Committee resolves to agree either Option 1 or Option 2.