

**2014 No. 31**

**PLANNING**

**The Planning (General Development) (Amendment) Order  
(Northern Ireland) 2014**

*Made* - - - - *10th February 2014*

*Coming into operation* - *10th March 2014*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2014 and shall come into operation on 10th March 2014.

**Amendment of the Planning (General Development) Order (Northern Ireland) 1993**

2.—(1) The Planning (General Development) Order (Northern Ireland) 1993(b) shall be amended in accordance with paragraphs (2) and (3).

(2) In Article 2(1) (interpretation) after the definition of “microwave antenna” insert—

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

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

(3) In Schedule 1 (development permitted under Article 3)—

(a) after Class F of Part 1A (Installation of Domestic Microgeneration Equipment) insert Class G as set out in Schedule 1 to this Order; and

(b) after Part 16 (Mineral Exploration) insert Part 16A (Development Ancillary to Mining Operations) as set out in Schedule 2 to this Order.

Sealed with the Official Seal of the Department of the Environment on 10th February 2014.



*Angus Kerr*

A senior officer of the Department of the Environment

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(a) S.I. 1991/1220 (N.I. 11)

(b) S.R. 1993 No. 278 relevant amending Order is S.R. 2011 No.75

# SCHEDULE 1

Article 2(3)(a)

## INSERTION OF CLASS G TO PART 1A OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

### “Class G

<b>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 heat pump is being installed, altered or replaced);</li><li>(c) any part of the air source heat pump would be situated on land forward of a wall which—<ul style="list-style-type: none"><li>(i) faces onto a road; and</li><li>(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;</li></ul></li><li>(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;</li><li>(e) the external unit of the air source heat pump would exceed 2 metres in height;</li><li>(f) the air source heat pump would be installed on a roof;</li><li>(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.</li></ul>
Conditions	G.2	Development is permitted by Class G subject to the following conditions— <ul style="list-style-type: none"><li>(a) the air source 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>

## SCHEDULE 2

Article 2(3)(b)

### INSERTION OF PART 16A OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

#### “PART 16A

##### DEVELOPMENT ANCILLARY TO MINING OPERATIONS

###### Class A

- |                              |           |  |
|------------------------------|-----------|--|
| <b>Permitted development</b> | <b>A.</b> | <b>The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—</b> <ul style="list-style-type: none"><li>(a) <b>plant or machinery;</b></li><li>(b) <b>buildings;</b></li><li>(c) <b>private ways or private railways or sidings; or</b></li><li>(d) <b>sewers, mains, pipes, cables or other similar apparatus;</b></li></ul> <b>on land used as a mine.</b>   |
| Development not permitted    | A.1       | Development is not permitted by Class A if— <ul style="list-style-type: none"><li>(a) the principal purpose of the development would be any purpose other than—<ul style="list-style-type: none"><li>(i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or</li><li>(ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;</li></ul></li><li>(b) the external appearance of the mine would be materially affected;</li><li>(c) the height of any building, plant or machinery which is not in an excavation would exceed—<ul style="list-style-type: none"><li>(i) 15 metres above ground level; or</li><li>(ii) the height of the building, plant or machinery being rearranged, replaced, repaired or otherwise altered;</li></ul>whichever is the greater;</li><li>(d) the height of any building, plant or machinery which is in an excavation would exceed—<ul style="list-style-type: none"><li>(i) 15 metres above the excavated ground level; or</li><li>(ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or</li><li>(iii) the height of the building, plant or machinery being rearranged, replaced,</li></ul></li></ul> |

		<ul style="list-style-type: none"> <li>repaired or otherwise altered;</li> <li>whichever is the greater;</li> <li>(e) the gross floor space of any building erected (other than a replacement building) would exceed 1000 square metres;</li> <li>(f) in the case of extension, rearrangement, replacement, repair or other alteration the gross floor space of the original building would be exceeded by more than— <ul style="list-style-type: none"> <li>(i) 25%; or</li> <li>(ii) 1000 square metres;</li> </ul> whichever is the greater;</li> <li>(g) in the case of Class A(a) development any part of the development would be within 250 metres of a sensitive receptor;</li> <li>(h) the development is within an area of special scientific interest, a site of archaeological interest or a conservation area.</li> </ul>
Conditions	A.2	<p>Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when mining operations ceased, or any longer period which the Department agrees in writing—</p> <ul style="list-style-type: none"> <li>(a) all buildings, plant and machinery permitted by Class A shall be removed from the land unless the Department has otherwise agreed in writing; and</li> <li>(b) the land shall be restored, so far as practicable, to its condition before the development took place, or restored to such a condition as may have been agreed in writing between the Department and the developer.</li> </ul>
Interpretation of Class A	A.3	<p>For the purposes of Class A “sensitive receptor” means a building, or part of a building, used for any purposes within Classes C1, C2, C3 or D1 of the Schedule to the Use Classes Order.</p>
<b>Class B</b>		
<b>Permitted development</b>	<b>B.</b>	<b>Development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or disused mine.</b>
Development not permitted	B.1	<p>Development is not permitted by Class B if—</p> <ul style="list-style-type: none"> <li>(a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would be materially affected;</li> <li>(b) the height of any building, plant, machinery, structure or erection would exceed— <ul style="list-style-type: none"> <li>(i) 15 metres above ground level; or</li> <li>(ii) the height of the building, plant, machinery, structure or erection being rearranged, replaced, repaired or</li> </ul> </li> </ul>

otherwise altered;

whichever is the greater;

(c) in the case of extension, rearrangement, replacement, repair or other alteration the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 1000 square metres;

whichever is the lesser;

(d) the development is within an area of special scientific interest, a site of archaeological interest or a conservation area.”

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 (“the 1993 Order”).

Article 2(2) inserts definitions of “mine” and “mining operations” into Article 2 of the 1993 Order.

Schedule 1 of this Order amends Part 1A (Installation of Domestic Microgeneration Equipment) to expand the scope of that permitted development. The insertion of Class G provides for the installation, alteration or replacement of an air source heat pump within the curtilage of a dwellinghouse.

Schedule 2 of this Order inserts a new Part 16A into Schedule 1 to the 1993 Order. Part 16A permits development ancillary to mining operations.

A regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Department of the Environment, Millennium House, 17-25 Great Victoria Street, Malone Lower, Belfast BT2 7BN or accessed at [www.doeni.gov.uk](http://www.doeni.gov.uk).

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

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STATUTORY RULES OF NORTHERN IRELAND

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