



QUESTIONNAIRE ON PROPOSED MICROGENERATION PD RIGHTS

Instructions on how to complete this Questionnaire:

1. This questionnaire can be completed on your computer and emailed to microgenerationpdrights@nics.gov.uk or printed and sent to the postal address below:

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Planning Service Headquarters
Microgeneration PD Rights Consultation
3rd Floor Millennium House
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2. Completed questionnaires may be sent by fax to (028) 9041 6960.
3. Advice on how to respond to each individual question is provided in the consultation document. The questions should therefore be read in conjunction with the full document.
4. Questions which require a Yes or No answer can be completed by ticking the appropriate box.
5. Where requested, please give further details in the box provided. Should you require extra space to make comments, please use the additional comments provided.

Background

- Q1 Should a simplified regulatory regime of PD rights be provided to facilitate microgeneration development?

Yes

No

Comments:

With the exception of those technologies which have not yet been fully developed and which may be added later if appropriate. Also excepted are hydrodevelopment and the use of wind power. The former has much greater potential to disrupt the environment and the latter has potential to cause a public nuisance from appearance, noise levels, danger to the public from rotating components and damage to property from incorrect installation leading to vibration related structural damage or from the same consequence arising from poor maintenance and/or damage in use leading to vibration.

Q2 Should PD rights for microgeneration associated with a dwellinghouse or within the curtilage of a dwellinghouse be provided for separately from existing PD rights for development within the curtilage of a dwellinghouse?

- Yes
- No

Comments:
Provided there is continuity between old and new.

SOLAR PANELS

Solar panels fitted to the roof of a dwellinghouse

Q3 Do you agree that a requirement that the design and external finishes of solar panels fitted to the roof of a dwellinghouse be in conformity with those of the original dwellinghouse should not apply?

- Yes
- No

Comments:
There should however be reasonable blending of existing structures and any new panels.

Q4 Do you agree that the highest part of the roof constraint should be retained for solar panels fitted to a ridged roof and solar panels fitted to a flat roof should be allowed to project up to 1.5 metres above the plane of the roof?

- Yes
- No

Comments:

Q5 Do you agree that solar panels on a roof slope which faces onto and is visible from a road should not extend more than 15 centimetres beyond the plane of the existing roof slope?

Yes

No

Comments:

Q6 Do you agree that no maximum area limit should be applied to solar panels fitted to the roof of a dwellinghouse?

Yes

No

Comments:

Q7 Do you agree that in designated areas the fitting of solar panels to a roof should be permitted provided that:

a. in the case of a ridged roof, the roof slope does not face onto and is not visible from a road; and

b. in the case of a flat roof, no part of a solar panel is visible from a road?

Yes

No

Comments:

Q8 Do you agree that solar panels fitted to the roof of a dwellinghouse should be limited to the boundaries of the existing roof?

Yes

No

Comments:

No, as there may be occasions in which the panel/s may be fitted between two sections of the roof of a dwelling.

Solar panels fitted to the wall of a dwellinghouse

Q9 Do you agree that a requirement that the design and external finishes of solar panels fitted to the wall of a dwellinghouse be in conformity with those of the original dwellinghouse should not apply?

Yes

No

Comments:

Yes, but there should be some degree of conformity between the original dwelling and the new fixture.

Q10 Do you agree that no maximum area limit should be applied to solar panels fitted to the wall of a dwellinghouse?

Yes

No

Comments:

Q11 Do you agree that solar panels fitted to the wall of a chimney should not be allowed to exceed the highest part of the roof of the existing dwellinghouse?

Yes

No

Comments:

Q12 Do you agree that a restriction that solar panels fitted to the wall of a dwellinghouse should be no nearer to any road which bounds its curtilage than the part of the original dwellinghouse nearest to that road is unnecessary?

- Yes
- No

Comments:
No, some degree of restriction should apply.

Q13 Do you agree that where any part of a solar panel fitted to a wall within 3 metres of the boundary of the curtilage extends above 4 metres in height, the panel should not extend more than 15 centimetres beyond the plane of the wall?

- Yes
- No

Comments:
There may be occasions in which latitude needs to be available to maximise collection of solar radiation.

Q14 Do you agree that solar panels fitted to the wall of a dwellinghouse can be excluded from any calculation of the total area of buildings within the curtilage (other than the original dwellinghouse)?

- Yes
- No

Comments:
In the current house price evaluation in relation to rates, it would seem counterintuitive for solar panels to add to the potential value of the dwelling as additional floor area, if government is genuinely intent on promoting conservation of solar energy by installation of solar panels.

Q15 Do you agree that solar panels fitted to the wall or roof of a dwellinghouse should not be permitted where the dwellinghouse is a listed building?

Yes

No

Comments:

Individual cases should be assessed on a case by case basis.

Q16 Do you agree that solar panels fitted to the wall of a dwellinghouse should not extend beyond the boundaries of the wall?

Yes

No

Comments:

Q17 Do you agree that solar panels should not be permitted where they are fitted to a wall of a dwellinghouse which faces onto and is visible from a road?

Yes

No

Comments:

While this may be true in general, there is probably merit in making individual inspection, when there may be a conflict of interest.

Solar panels fitted to other buildings within the curtilage of a dwellinghouse

Q18 Do you agree that a restriction that solar panels fitted to the wall of a building within the curtilage of a dwellinghouse should be no nearer to any road which bounds its curtilage than the part of the original dwellinghouse nearest to that road is unnecessary?

Yes

No

Comments:

When the panel is to be sited between the dwelling house and a public road, it is essential that some degree of control should be available to planning authorities. Without control, panels could be sited in positions which would "deface" the general appearance of the neighbourhood.

Q19 Do you agree that the proximity of solar panels fitted to the wall or roof of a building within the curtilage of a dwellinghouse to the dwellinghouse should not be restricted in terms of cubic content or proximity to the dwellinghouse?

Yes

No

Comments:

Q20 Do you agree that it is unnecessary to apply a height restriction to the fitting of solar panels to the roof or wall of an existing building within the curtilage of a dwellinghouse or to the attachment of solar panels to an existing wall, including that of an enclosure, within the curtilage of a dwellinghouse?

Yes

No

Comments:

Provided constraints cited in Sect. 4.16 apply.

Q21 Do you agree that solar panels fitted to the wall of a building within the curtilage of a dwellinghouse can be excluded from any calculation of the total area of buildings within the curtilage (other than the original dwellinghouse)?

Yes

No

Comments:

See response at Q. 14 above.

Q22 Do you agree that:

- a. in a designated area, the fitting of solar panels to a roof slope which faces onto and is visible from a road and the fitting of solar panels to a flat roof where any part of the solar panel would be visible from a road;
- b. the fitting of solar panels to existing walls or walls of existing buildings which face onto and are visible from a road; and,
- c. the fitting of solar panels to the roof or walls of a building or an existing wall within the curtilage of a listed building,

should not be permitted?

Yes

No

Comments:

There should be no "blanket ban". Decisions should be made on a case by case basis.

Freestanding solar panels within the curtilage of a dwellinghouse

Q23 Do you agree that freestanding solar panels should be permitted within the curtilage of a dwellinghouse subject to suitable restrictions?

Yes

No

Comments:

Q24 Do you agree that freestanding solar panels should not be permitted where any part of a solar panel is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road?

Yes

No

Comments:

There is again a good case to make this a general rule but subject to appeal in specific cases.

Q25 Do you agree that the area of freestanding solar panels allowed within the curtilage of a dwellinghouse should be limited?

Yes

No

Q26 If your answer to question 25 is 'yes', what area do you suggest – the Department proposes 14 square metres?

Comments:

Proportional (formula based) to the size of the dwelling and subject to an upper limit of 20 sq. m.

Q27 Do you agree that the height of freestanding solar panels within the curtilage of a dwellinghouse should be a maximum of 1.5 metres and that this should apply everywhere?

Yes

No

Comments:

Q28 Do you agree that freestanding solar panels should not be permitted development within the curtilage of a listed building?

Yes

No

Comments:

This could be a general principle but subject to appeal in specific circumstances.

Biomass Development

Biomass fuel storage

Q29 Do you agree that existing PD rights for the storage of oil are sufficient for bio-heating oil?

Yes

No

Comments:

Q30 Do you agree that:

- a. a capacity limit of 6,000 litres should be applied to an above ground solid biomass fuel storage container;
- b. no capacity restriction should be applied to below ground solid biomass fuel storage?

Yes

No

Comments:

Q31 Do you agree that a 3 metre height limit is sufficient for above ground solid biomass fuel storage containers?

Yes

No

Comments:

Subject to manufacturers' specifications.

Q32 Do you agree that no part of a solid biomass fuel storage container, whether above or below ground should be permitted nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road?

- Yes
- No

Comments:

Q33 Do you agree that PD rights for underground solid biomass fuel storage containers should be withdrawn within a site of archaeological interest?

- Yes
- No

Comments:

Heat Pump Development

Q34 Do you agree that PD rights for the provision of a ground source heat pump system within the curtilage of a dwellinghouse should be removed where the underground elements of the heat pump are within a site of archaeological interest?

- Yes
- No

Comments:

Q35 Do you agree that, in designated areas, an air source heat pump or any external element of the heat pump within the curtilage of a dwellinghouse should not face onto and be visible from a road?

Yes

No

Comments:

Q36 Do you agree that within the curtilage of a listed building a heat pump or its housing should be limited to 10 cubic metres?

Yes

No

Comments:

Q37 Do you agree that where an air source heat pump or any part of it is within 3 metres of the boundary of the curtilage of the dwellinghouse it should not exceed 4 metres in height?

Yes

No

Comments:

Q38 Do you agree that PD rights should be withdrawn where any part of the heat pump or its housing is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road?

Yes

No

Comments:

Q39 Do you agree that to minimise the risk of a noise nuisance, an air source heat pump should be a minimum distance from the façade of the nearest residential window (not being a window within the curtilage of the dwellinghouse which it serves)?

- Yes
- No

Q40 If your answer to question 39 is 'yes', what distance do you suggest that should be – the Department suggests it could be about 5 metres?

Comments:
Five metres may be sufficient, we are not competent to judge. In principle it is easier (and preferable) to have a higher limit which can be reduced, rather than too low an initial limit which may then have to be raised and as a consequence give rise to anomalies.

Wind Turbine Development

Q41 Should tower mounted wind turbines erected within the curtilage of a dwellinghouse have PD rights?

- Yes
- No

Comments:
Should be subject to case by case approval.

Q42 Should wind turbines attached to a dwellinghouse or other buildings within the curtilage of a dwellinghouse have PD rights?

- Yes
- No

Comments:
Should be subject to case by case approval.

[Empty box]

Wind turbines fitted to a dwellinghouse or other buildings within the curtilage of a dwellinghouse

Q43 Should wind turbines attached to a dwellinghouse or to a building within the curtilage of a dwellinghouse be disallowed in designated areas where they face onto and are visible from a road?

Yes

No

Comments:

Subject to case by case inspection and approval.

Q44 Should the topmost part of a wind turbine attached to a dwellinghouse or to a building within the curtilage of a dwellinghouse be allowed to project above the highest part of the roof?

Yes

No

Q45 If your answer to question 44 is 'yes', then what should the maximum height be for the topmost part of the wind turbine – the Department suggests 3 metres?

Comments:

A limit of three metres seems reasonable but will be subject to inspection - vide supra.

Q46 Should a maximum rotor diameter be set in any PD rights for building mounted horizontal axis wind turbines?

Yes

No

Q47 If your answer to question 46 is 'yes', then what should that maximum rotor diameter be – the Department suggests 2.5 metres?

Comments:

This figure is probably acceptable but may be subject to manufacturers' advice and specification.

Q48 Should a maximum rotor diameter of a building mounted vertical axis wind turbine be set?

- Yes
- No

Q49 If your answer to question 48 is 'yes', then what should the maximum rotor diameter be?

Comments:
Await research and development.

Q50 Should one wind turbine be allowed under PD rights with further wind turbines requiring a planning application?

- Yes
- No

Comments:
This could be provided on a case by case assessment.

Q51 Do you agree that to minimise the risk of a noise nuisance, a wind turbine should be a minimum distance from the façade of the nearest residential window (not being a window within the curtilage of the dwellinghouse which it serves)?

- Yes
- No

Q52 If your answer to question 51 is 'yes', what distance do you suggest that should be – the Department suggests it could be about 10 metres?

Comments:
In a similar response as to Q. 40, it might be prudent to advise a 15 metre separation and review the outcome.

Q53 Do you agree that attaching a wind turbine to the wall or roof of an existing dwellinghouse or to other buildings within the curtilage of a dwellinghouse which is a listed building should not be permitted development?

Yes

No

Comments:

Q54 Do you agree that the potential effects of vibration should be addressed by manufacturers and installers of building mounted wind turbines and householders should seek to ensure that this issue is addressed in their installation?

Yes

No

Comments:

Definitely yes! Structural damage could easily occur if vibration is not considered and effectively controlled at installation and reviewed during routine maintenance.

Q55 Do you agree that guidance should be provided highlighting what factors should be taken into account when siting a wind turbine (both building mounted and standalone wind turbines) and in particular, the potential issues that could affect bats and their existing legal protection?

Yes

No

Comments:

It is unlikely that bats will be adversely affected. Their direction finding senses are probably more effective than anything man can dream up!

Provision of a 'standalone' wind turbine within the curtilage of a dwellinghouse

Q56 Should the topmost part of a tower mounted wind turbine – that is, the highest part inclusive of the rotor blades be permitted to project up to 3 metres above the highest part of the roof of the existing dwellinghouse?

Yes

No

Comments:

In principle yes, but this will be subject to inspection as no PD rights have been accepted.

Q57 Do you agree that the rotor diameter of a tower mounted horizontal axis wind turbine should be restricted to a maximum of 2.5 metres?

Yes

No

Comments:

Q58 Should a maximum rotor diameter of a building mounted vertical axis wind turbine be set?

Yes

No

Q59 If your answer to question 58 is 'yes', then what should the maximum rotor diameter be?

Comments:

See response to Q. 41 and 42.

Q60 Should one wind turbine be allowed under PD rights with further wind turbines requiring a planning application?

Yes

No

Comments:

We are against PD rights for wind power generation. Each should be assessed on a case by case basis. Our views are based on, noise, visual presence and general safety grounds including potential structural damage from vibration if installation has been inappropriate or subsequent damage has occurred.

Q61 Do you agree that tower mounted wind turbines should not be permitted where any part of the wind turbine is nearer to the neighbouring curtilage boundary or any road, than a distance equal to the overall height of the turbine (measured with the blade of the turbine in its vertical position)?

Yes

No

Comments:

Q62 Do you agree that to minimise the risk of a noise nuisance, a wind turbine should be a minimum distance from the façade of the nearest residential window (not being a window within the curtilage of the dwellinghouse which it serves)?

Yes

No

Q63 If your answer to question 62 is 'yes', what distance do you suggest that should be – the Department suggests it could be about 10 metres?

Comments:

On the principle of review of limits, it is probably better to consider 15 metres as initial limit.

Q64 Do you agree that no part of a tower mounted wind turbine, including any supporting structure, should be nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road?

Yes

No

Comments:

Q65 Do you agree that provision of a tower mounted wind turbine within the curtilage of a dwellinghouse should not be permitted development where the dwellinghouse is a listed building?

Yes

No

Comments:

Should be subject to case by case inspection.

Hydro Development

Q66 Do you agree that hydro development should always be considered on a case by case basis through the planning process?

Yes

No

Comments:

Fuel Cell Development

Q67 Do you agree that the need for PD rights for fuel cell development should be considered at some future date?

Yes

No

Comments:

Await further research and development.

General Condition

Q68 Do you agree that conditions should be applied where appropriate to require that the development permitted must be for the purpose of providing heat or energy for use within the curtilage of the dwellinghouse?

Yes

No

Comments:

Insert the word "primary" between "--the and purpose".

Additional Comments:

Supplementary power generation should be encouraged by financial and legislative means. However such encouragement should not be at a cost to health and safety factors, public nuisance, general loss of public amenity as a consequence of damage or destruction to the environment.