



## 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](mailto:microgenerationpdrights@nics.gov.uk) or printed and sent to the postal address below:

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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:  
No comments

- 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:  
No comments

## 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:  
No comments

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:  
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:  
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:  
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:  
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 comments

**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:

No comments

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:

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:

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 comments

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:

No comments

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:

No comments

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:

No comments

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:

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:

No comments

**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:

No comments

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:

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:

No comments

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:

No comments

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:  
No comments

**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:  
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:  
No comments

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:  
No comments

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:  
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:  
No comments

## **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:  
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:

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:

No comments

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:

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:  
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:  
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:  
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:  
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:

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:

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:

No comments

## Wind Turbine Development

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

Yes

No

Comments:

With limitations and see comments at end

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

Yes

No

Comments:

With limitations and see comments at end

### **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:

With limitations and see comments at end

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:

With limitations and see comments at end

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:

With limitations as suggested by Planning Service

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:

With limitations as suggested by Planning Service

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

Yes

No

Comments:  
See comments at end

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:  
No comment

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:  
No comment

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:  
No comment

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:  
Yes, see comments at end

**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 accordance with the Planning Service recommendation

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:  
In accordance with the Planning Service recommendation

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:  
In accordance with the Planning Service recommendation

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

Yes

No

Comments:  
Yes, see comments at end

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:  
No comment

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:

No comment

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:

No comment

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:

No comment

## 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:

No comment

## 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:

No comment

## 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:

No comment

## Additional Comments:

### RESPONSE SUBMITTED BY NATIONAL GRID WIRELESS AND ARQIVA

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### Background to our Representations

National Grid Wireless (NGW), together with Arqiva, own and operate the radio and television broadcast networks that transmit across the whole of the UK, including Northern Ireland. Between us we provide all terrestrial television broadcasting for the BBC, ITV, Channels 4 and 5 and Freeview, and radio broadcasting for the BBC and all independent stations. The broadcast service we provide are for analogue and digital terrestrial television broadcasting and analogue and digital audio broadcasting.

We are currently implementing the Government plan to switchover all analogue broadcasting to digital. The Digital Switchover project is UK wide with Northern Ireland an integral part of this change. The Digital Switchover will extend choice and quality as well as facilitating the next generation of television services, such as view on demand. It is essential that any potential for interference to the new digital terrestrial television networks being built for Digital Switchover is minimised.

### The Main Issue

Our major broadcast sites in Northern Ireland are mainly in rural areas located at prominent points to maximise population coverage. By definition and in practice therefore, prime locations for wind farms and turbines will often be the same as for major broadcasting and communications sites. Additionally, policy relaxation in Northern Ireland has also resulted in a significant spatial expansion of housing in the countryside and it is now not unusual for some broadcast sites, particularly re-broadcast / repeater sites to be within proximity of housing. With a relaxation of permitted development rights for small scale energy provision, we consider that this would become a more attractive proposition for some rural householders. Small scale wind turbine solutions could potentially lead to greater interference with broadcast services to the detriment of the wider public interest.

As matter of principle we are supportive to the Planning Service commitment to procedural changes to promote sustainable lifestyle and growth through, for example, alternative energy solutions such as micro-generation. Indeed, in a similar way our business activities seek to achieve common goals for the UK attainment of sustainable development.

Our broadcasting activities are clearly in the public interest as they contribute directly to a number of important UK Government objectives including the encouragement of modern communications and the economic prosperity they bring. In addition the modern communications we provide make a direct and significant contribution to the Planning Service key priorities for sustainability. Some of the benefits of modern communications are directly or indirectly applicable to key objectives relating to sustainable development. Within this aim of achieving common goals for sustainable development, electronic communications will in particular assist in the following ways:

- Terrestrial digital and analogue broadcasting technology will continue to deliver an expanding range of programming and services to viewers. These may include home shopping and internet access, particularly important to occupiers of more peripheral locations in Northern Ireland and also to specific vulnerable groups such as the elderly or home bound.

- These services are more accessible to poorer sectors of the population who cannot afford personal computers and their network links. These services have the potential to reduce car borne journeys. Our sites therefore extend e-business opportunities amongst the wider population, which is of especial importance to those in remote rural areas. These are the locations where wind farms are more likely to be located. It is important to us and our customers to ensure that wind farms or individual turbines do not prevent access to these facilities and thereby disenfranchise licence-fee payers.

It is well known that structures such as wind turbines, of any scale, can adversely affect terrestrial television reception. We are keen to ensure that disruption to both analogue and digital terrestrial television distribution and reception is kept to a minimum. In particular there are two services, which we wish to protect; permanent broadcast links and domestic reception.

- Permanent Broadcast Links – In the UK, television programme distribution links from television studios and from main transmitters to outlying relays are often dependent on direct line of sight dish links and ‘UHF in band’ rebroadcast links (RBL), which form the major part of the distribution system. Both dish and re-broadcast links between sites which can be up to 70km apart, may be affected by wind turbines through actual blocking of lines of sight or through interference generated by reflected signals from the blades. A lost or seriously impaired link to a main transmitter could therefore interrupt viewing over a large proportion of the Northern Ireland population.

- Domestic Television Reception - Wind turbines may affect domestic television reception up to a maximum of 5km by reflecting signals, which causes ghosting. Again if this affects a signal covering a large population centre the effects could be dramatic.

To demonstrate how real this issue is, there have been major proposals for wind farm development in the UK such at Blackhill, near Shotts in Lanarkshire (Scotland), where Arqiva has primary broadcast facilities providing TV and radio coverage to much of Central Scotland. NGW and Arqiva have recently and are currently dealing with development proposals that have the potential to seriously affect broadcast services. In England for example Arqiva has recently taken steps to narrowly avoid an important television studio link being blocked by a major new energy development to a main transmitter. This would have affected services to a population of around 750,000 demonstrating the wider community impact of such an event.

#### Our Primary concern

Through government agencies such as Action Renewables it is clear that there is an overriding commitment towards ‘sustainable’ energy solutions. It is anticipated that the number of major wind farm proposals in Northern Ireland will increase significantly and as a logical consequence of the clear encouragement now being given towards renewable energy means that trend will continue, now at a more local level.

Within the supporting 'Policy Consideration' documentation, the Planning Service highlight at paragraphs 4.23 and 5.5 potential issues associated with wind power microgeneration development. Specifically, the important matter of television and radio interference caused by the generator. However, the documentation does not expand on this matter any further and we consider that interference with television broadcasting has not been fully taken into account, nor is this matter fully reflected in any other policy guidance issued to date by the Planning Service.

#### Comments and Observations

In terms of specific comment on the consultation document, we welcome the size/power limitations suggested by the Planning Service for a domestic wind turbine (1.5kW to 2.5kW limitation). We consider that this will help provide some protection for local broadcast and re-broadcast sites from wind turbine interference. Additionally, we similarly support a height limitation for free-standing turbines and also a limit of a single turbine for each residential property to avoid clusters of wind turbines which may have a cumulative impact on broadcasting infrastructure. Where possible and appropriate, we would encourage a more proactive approach where a number of households may be

served by a single turbine of an appropriate scale and location.

However, should the Planning Service substantially move away from these limitations/criteria, we would urge further consultation with the broadcasting transmission industry.

In terms of policy guidance, we suggest that the key environmental considerations on the siting of wind turbines should be expanded upon, including reference to potential interference with public broadcasting, possibly in a new Development Control Advice Note. This could be in the form of a brief reference to the key policy considerations with cross-reference to a technical guidance in a new companion guide. This would be consistent with the importance that the Government attaches to the continuation of robust, innovative and reliable public broadcast services.

We also feel that specific guidance needs to be provided on how to secure mitigations measures where impacts are predicted or real. There could possibly be provision in the GDO for a prior notification procedure on siting and design of a wind turbine, allowing specific consultation with broadcast transmission providers. Additionally, we would also encourage design considerations such as wind turbines constructed from materials less harmful to radio signal such as Glass Reinforced Plastic (GRP).

On a more general note, NGW and Arqiva would be prepared to work with the Planning Service and other relevant parties on producing a Code of Best Practice for wind farms (and other tall structures) and microgeneration wind power. This would guide developers (generally) in consulting us on their proposals, to give advice on what forms of development might affect our sites, the possible mitigation measures and likely cost, and for advice to local councils.

In summary, we understand Government policy and the desire to encourage and fast track renewable energy schemes, now specifically at local level. However, we caution against the attainment of these objectives, which shall be furthered by possible relaxation of permitted development rights for microgeneration solutions at local level, if achieved at the potential expense of other important national objectives. To avoid such a counter - productive scenario, the statutory and policy framework should therefore fully take account of the public broadcast networks, as these are recognised national assets that operate in the wider public interest.

We hope our response is a helpful contribution to your consultation and we would be pleased to discuss any aspect if that would assist further.

National Grid Wireless and Arqiva  
April 2007