



## 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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Microgeneration PD Rights Consultation  
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Belfast  
BT2 7BN

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:

**The RSPB supports making microgeneration easier to deliver**

- 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:

**We feel that this is necessary for clarity**

## 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:

**We think that this measure is overallly restrictive and will hinder the take up of solar 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:

**We feel that opportunities to maximise renewable energy should be encouraged**

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:

**We are unsure why roads have been selected as a receptor, if there is a road to the south of a row of houses then any panels they install under PD rights will be sub-optimal**

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:

**Those extending beyond the roof can go through the planning process**

**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:

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:

**We feel that opportunities to maximise renewable energy should be encouraged**

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:

**We are unsure why roads have been selected as a receptor**

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:

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:

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:

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:

**We are unsure why roads have been selected as a receptor, if there is a road to the south of a row of houses then any panels they install under PD rights will be sub-optimal**

**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:

**We are unsure why roads have been selected as the receptor**

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:

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:

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:

**We are unsure why roads have been selected as the receptor**

**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:

**We are unsure why roads have been selected as the receptor**

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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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

Yes

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:

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 comment**

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

Yes

No

Comments:

**no comment**

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:  
**It is essential that this also applies to areas with wildlife designations such as ASSIs and SPAs/SACs**

**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:  
**It is essential that this also applies to areas with wildlife designations such as ASSIs and SPAs/SACs**

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:  
**We are unsure why roads have been selected as the receptor**

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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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:

**We are unsure why roads have been selected as the receptor**

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:

### Wind Turbine Development

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

Yes

No

Comments:

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

Yes

No

Comments:

### **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:

**They should not be allowed without planning permission if they are inside an ASSI designated for bird or bat interest or if they are inside an SPA. However we are unsure why roads have been selected as the receptor.**

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:

**We suggest that this height is standardised across the UK**

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:

**We suggest that this should be the same across the UK. We note that the English consultation document suggests a 2m diameter.**

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:

**We think that setting a maximum is a sensible suggestion and feel larger turbines can go through the formal planning process. However, efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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

Yes

No

Comments:

**This should be altered to allow multiple turbines on flats.**

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:

**We think that such a measure is sensible and more easily enforced than the noise and vibration levels set out in the English document.**

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:

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:

**Consideration should also be given to bird species especially those listed as birds of conservation concern, and those on Schedule 1 of the Wildlife (NI) Order 1985.**

**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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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:

**The consultation in England sets out a 2m diameter, we feel that to help manufacturers a standard diameter should be used across the UK**

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:

**Efforts should be made to ensure that restrictions are uniform across the UK in order to add certainty for manufactureres.**

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

Yes

No

Comments:

**We think that this restricts the ability of flat owners to take advantage of the new PD rights**

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:  
**We are unsure why roads have been selected as the receptor**

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:  
**We think that such a measure is sensible and more easily enforced than the noise and vibration levels setout in the English document.**

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:  
**We are unsure why roads have been selected as the receptor**

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:

### 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:

**As there are fewer opportunities for this technology to be implemented they can go through the planning process. We also support this as hydro developments could impact on biodiversity**

### 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:

### 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:

**Community projects should be encouraged and kept within the PD rights where the landtake is not in an area where it will impact on Biodiversity**

Additional Comments:

- 1) The importance of these changes for people living in flats has not been taken into account**
- 2) Efforts should be made to ensure that restrictions, such as the maximum diameter of turbines, are uniform across the UK in order to add certainty for manufactureres.**
- 3) The definition of designated area in this document does not include SACs and SPAs. We suggest that two classficiations of designated sites are included in oredr to differentiate potential impacts on biodiversity and visual ammenity. Landscape designations and Wildlife designations (this would cover ASSI and SPA/SAC)**