

Summary Analysis of Responses to the Review of Domestic Microgeneration Permitted Development Rights Consultation

The Department undertook a public consultation on permitted development (PD) rights for microgeneration within the curtilage of a dwellinghouse in 2007 of which the consultation paper, copies of the responses and a summary analysis can be found on the Departments website at www.planningni.gov.uk. The Department subsequently decided to include a draft statutory rule reflecting the proposed PD rights from that earlier consultation as part of the consultation exercise on small scale renewable energy which ran from 22 October 2009 to 22 January 2010.

This document summarises the analysis of responses received in relation to the issues raised on domestic microgeneration in the most recent consultation document and the Department's subsequent intentions. The consultee responses can be seen in full on the Departments website at www.planningni.gov.uk.

PD rights are provided by the Planning (General Development) Order (NI) 1993 (the GDO) to allow certain, often minor, non-contentious types of development, to proceed without the need to submit a planning application as planning permission is deemed to be granted. Such rights help to reduce the number of planning applications and ease the regulatory burden of the planning system.

The consultation paper asked questions on a number of original proposals for domestic microgeneration permitted development in light of the consultant's policy review report on non-domestic microgeneration permitted development. The Department also considered proposals and responses to the non-domestic microgeneration consultation when considering what other changes it might make to the previously proposed domestic microgeneration permitted development arrangements. The new rights were given legislative effect on 6th April 2011 through the Planning (General Development) (Amendment) Order (NI) 2011, S.I. 2011 No.75. Both the Rule and accompanying guidance for Householders can be found on the Departments website at www.planningni.gov.uk. The new PD rights are designed to be simple and economic to operate for both developers and planning administration and manage impacts upon local amenity and environmental interests, including the built heritage. The areas under examination were:

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3. Wind Turbines (page 4)
4. Flues (page 4)
5. Heat Pumps (page 5)

REVIEW OF DOMESTIC MICROGENERATION PERMITTED DEVELOPMENT RIGHTS SUMMARY ANALYSIS OF CONSULTATION RESPONSES

1. SOLAR PANELS

- 1.1 The domestic microgeneration permitted development review in 2007 proposed that within certain “designated areas” including conservation areas, areas of special scientific interest (“ASSIs”), National Parks, World Heritage Sites and areas of outstanding natural beauty (AONBs), PD rights for domestic roof mounted solar panels should not be permitted where the roof on which they are fitted faces onto and is visible from a road. However the non-domestic policy review felt that allowing PD rights for roof and wall mounted panels within these areas was not likely to have a significant effect on the reasons for their designation in the case of ASSIs or to have major impacts on the landscape in the case of National Parks or AONBs.
- 1.2 The majority of consultees (73%) disagreed with the option to remove PD rights for roof mounted **non-domestic** solar panels where they face onto and are visible from a road in National Parks and AONBs. Responses also indicated **significant support for the view that there should be no additional limitations in these areas** other than the relevant height, area and proximity limitations proposed by the consultants. There was a more mixed response for the proposal that PD rights for wall mounted non-domestic solar panels be removed in AONBs, National Parks, conservation areas and World Heritage Sites where they face onto and are visible from a road with a majority of respondents (53%) disagreeing with the proposal. Views were expressed to the effect that given wall mounted views are localised and the thresholds will permit only smaller panels additional limitations were considered unnecessary. **The Department has therefore adopted a similar approach for both roof and wall mounted domestic solar panels by not imposing additional limitations in AONBs and National Parks.**
- 1.3 Given the generally smaller size of conservation areas, the **non-domestic** element of the consultation paper took the view that the erection of roof mounted solar panels could impact on their character but if limited; that is removed where the roof slope (or panel in the case of flat roofs) faces onto and is visible from a road, some form of permitted development should be allowed. Similar arguments were put forward for World Heritage Sites. There was a mixed response regarding these proposals with some respondents favouring additional restrictions in conservation areas and World Heritage Sites and other respondents considering further limitation in these areas unnecessary. However, taking all things into consideration, the **Department recognises that both types of designation have particular features which make their protection important and it is therefore reasonable that a balanced restriction be imposed on roof and wall-mounted domestic solar panels in both conservation areas and World Heritage Sites.**
- 1.4 **The non-domestic policy review** proposed that because the installation of the support structure for free-standing solar panels could require some excavation of

the ground, PD rights for larger non-domestic free-standing solar panels should be removed in ASSIs and in sites of archaeological interest (“SAIs”) given their likely sensitivity to adverse impact through excavation. However, no such constraint was recommended in the context of free-standing solar panels within the curtilage of a dwellinghouse nor, given the scale of domestic development, is it considered necessary. There were **no proposed additional restrictions** in AONBs, conservation areas, World Heritage Sites or National Parks **for domestic free-standing solar panels** within the curtilage of a dwellinghouse, **given the constraining effect of the other proposed limitations for that category of permitted development.**

- 1.5 **All respondents agreed that originally proposed restrictions on PD rights for roof and wall mounted solar panels on a dwellinghouse in ASSIs should be removed** on the basis that such development would not prejudice the reason for ASSI designation but there was a more mixed response for removing free-standing domestic solar panel PD in ASSIs and SAIs. However, as the scale of the proposed domestic PD right is significantly smaller than non-domestic stand-alone solar installations the Department does not consider removing PD rights for domestic free-standing panel installations necessary in either ASSIs or SAIs.

1.6 **Conclusion**

Having considered the consultation proposals and the responses received the Department has decided not to introduce additional restrictions to domestic roof and wall mounted solar panels in AONBs, National Parks, ASSIs and SAIs but has decided that PD rights should be removed in conservation areas and World Heritage Sites where the roof or wall on which they are installed, or the panel itself in the case of a flat roof, faces onto and is visible from a road. For free standing solar panels within the curtilage of a dwellinghouse other limitations including height, projection and positioning will help to control amenity impacts.

2. **SOLID BIOMASS FUEL CONTAINERS**

- 2.1 The installation of **non-domestic fuel stores** will generally require the excavation of ground, principally for foundations and site preparation. The non domestic policy review proposed that there should be no PD rights in ASSIs or SAIs for this type of development as excavation in such areas could potentially damage the archaeological or conservation reasons for which they were designated. No proposals to restrict smaller solid biomass fuel containers were put forward for domestic permitted development, except in the case of a “below ground” container, because it was felt that the installation of “above ground” fuel containers of 6,500 litres or less would not entail any significant excavation. Consultees were therefore asked if PD rights for biomass fuel containers within the curtilage of a dwellinghouse should be removed in ASSIs and SAIs. While there were mixed views from respondents on whether or not PD rights for solid biomass fuel storage containers should be removed in ASSIs and SAIs, on balance the Department proposes that “above ground” fuel container installation PD rights should not be removed given the relatively modest scale of the development. However, it is

recognised that where the container is installed below ground then it is reasonable that the PD right should be removed in both ASSIs and SAIs.

2.2 Conclusion

Following consideration of the responses received the Department has not imposed additional restrictions on the provision of domestic solid biomass fuel stores in ASSIs or SAIs except where it would involve the provision of a container installed below ground.

3. WIND TURBINES

3.1 Concerns and issues have been identified in relation to potential adverse impacts of PD rights for micro wind turbine and air source heat pump equipment including noise, air navigation interference, vibration and visual impacts, especially in proximity to residential uses. The Department is aware of work currently ongoing, particularly in England, on designing appropriate limitations and conditions for wind turbine PD rights including a requirement for equipment to be installed and certified through the Microgeneration Certification Scheme (to ensure industry standards for installers and equipment), air navigation interference safeguards, maximum noise levels, appropriate siting, maximum height/size/number of installations and restrictions relating to sensitive areas (e.g. conservation areas, World Heritage Sites). At present in England the Department for Communities and Local Government (DCLG) in conjunction with the Department for the Environment and Climate Change and other stakeholders are developing a radar safeguarding tool to identify areas that are sensitive to radar interference from domestic scale micro wind turbines and that are not, therefore, suitable for wind turbine PD rights. It is understood that DCLG may undertake further research on non-domestic micro wind turbine development. The Department will monitor the outcome of that work when considering what wind turbine and air source heat pump PD rights might be appropriate for Northern Ireland in the future.

3.2 Conclusion

At this stage and until the position becomes clearer in the other UK jurisdictions the Department is not in a position to proceed with PD rights for domestic micro wind turbines and air source heat pumps. The Department is however, continuing to liaise with other planning jurisdictions to develop solutions that will facilitate the introduction of such PD rights.

4. BIOMASS FLUES

4.1 For domestic microgeneration permitted development the Department proposed that, within ASSIs PD rights for domestic roof or wall mounted heating system flues should not be permitted where the roof or wall on which they are fitted faces onto and is visible from a road. However the non-domestic policy review did not indicate that allowing PD rights for roof or wall mounted flues within ASSIs was likely to have a significant effect on the reasons for their designation and did not propose any

further limits to PD rights in these areas. **All respondents agreed that proposed restrictions for flues within the curtilage of a dwellinghouse in ASSIs should be removed** on the basis that such development would not prejudice the reason for ASSI designation.

4.2 Given that the restriction on PD rights for flues to a maximum of 1m above the highest part of the existing roof line should minimise visual impacts the non-domestic review took the view that the additional restrictions were not required in designated areas. The responses received favoured this approach. The Department recognises that conservation areas and World Heritage Sites have particular features which make their protection important and therefore considers that an additional limitation restricting flues installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse which are visible from a road should be imposed on domestic flues in both these types of designation.

4.3 **Conclusion**

After consideration of the responses received the Department has not further restricted flues in ASSIs, SAIs, AONBs and National Parks but has introduced an additional restriction on flues installed on a wall or roof slope forming the principal or side elevation of a dwellinghouse which are visible from a road necessary to address amenity in both conservation areas and World Heritage Sites.

5. **HEAT PUMPS**

5.1 The domestic microgeneration permitted development review proposed removal of PD rights for ground source and water source heat pumps within the curtilage of a dwellinghouse where they are located within a SAI. The non-domestic review proposed to adopt this but to include a similar restriction within non-domestic land uses and, unlike domestic, to extend this restriction to cover ASSIs as the excavation necessary to lay pipe work etc could impact on both ASSIs and SAIs

5.2 A majority of respondents agreed that PD rights for heat pumps should be removed in ASSIs and SAIs as there is potential for excavation of the ground which could have a negative impact on such sites.

5.3 The Department is not currently in a position to proceed with PD rights for air source heat pumps until issues surrounding noise constraints can be successfully addressed. Please also see Para 3.1 above.

5.4 **Conclusion**

After consideration of the responses received the Department has disapplied PD rights for domestic water and ground source heat pumps in ASSIs and SAIs. At present the Department is not in a position to proceed with PD rights for air source heat pumps for the reasons set out in paragraph 3.1.

DOMESTIC SMALL-SCALE RENEWABLE ENERGY PD SUMMARISED

Roof mounted solar panels

- For pitched roofs panels must not exceed the highest part of the roof and, where the roof slope faces onto and is visible from a road, must not protrude more than 20cm from the roof plane.
- Panels mounted on flat roofs must not project beyond 1.5 m.
- Panels must not exceed the boundary of the existing roof.
- No permitted development for panels erected in a conservation area or World Heritage Site where panels are installed on roof slopes that face onto and are visible from a road or, in the case of panels installed on a flat roof, they are visible from a road.
- Not permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted.

Wall mounted solar panels

- Panels must not exceed the boundary of the existing wall.
- Where any part of a solar panel fitted to a wall within 3m of the boundary of the curtilage extends above 4m in height, panel should not extend more than 20cm beyond the plane of the wall.
- No permitted development for panels mounted on walls that face onto and are visible from a road in a conservation area or World Heritage Site.
- No permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted.
- No part of the solar panel installed on a wall of a chimney to be higher than the highest part of the roof

Free standing solar panels

- Maximum height of 2m.
- No more than one panel installation within the curtilage of the dwelling.
- Maximum surface area of 14m² for free standing solar panels can be erected under permitted development within the curtilage of a building.
- No closer to any road which bounds the curtilage than the part of the dwellinghouse nearest the road.
- No permitted development within the curtilage of a Listed Building unless Listed Building Consent for the development has previously been granted.

Free standing and Building mounted wind turbines

- **No permitted development for any wind turbines until issues on noise, vibration, health and aircraft safety and other critical communications systems are resolved.**

Hydro

- **No domestic permitted development proposed – domestic hydro schemes to be considered on a case by case basis through the planning process.**

Solid Biomass Fuel Storage

- Capacity of container not to exceed 6,500 litres.
- No part of the container can be 3m above ground level.
- No part of the container is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest that road.
- In an area of special scientific interest or a site of archaeological interest no underground installation.
- Not permitted within the curtilage of a dwellinghouse unless listed building consent for the development has previously been granted.

Domestic Flue forming part of a biomass heating system or a combined heat and power system

- No higher than 1 metre above the highest part of the roof.
- Not permitted in a World Heritage Site or conservation area where the flue would be installed on a wall or roof slope forming a principal or side elevation facing onto and visible from a road.
- Not permitted within the curtilage of a dwellinghouse unless listed building consent for the development has previously been granted.

Ground and water source heat pumps

- No permitted development if any part of the heat pump or its housing is within 3 metres of the boundary of the curtilage and exceeds 4 metres in height.
- The heat pump including any part of its housing, must be no nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest the road.
- No permitted development in an area of special scientific interest or site of archaeological interest.
- Not permitted within the curtilage of a dwellinghouse unless listed building consent for the development has previously been granted.

Air source heat pumps

- **No permitted development for any air source heat pump until issues regarding noise can be resolved.**