



**PERMITTED  
DEVELOPMENT RIGHTS  
FOR MICROGENERATION  
DEVELOPMENT  
CONSULTATION PAPER  
RESPONSE FORM**

Once you have completed this form please  
return to

Policy and Legislation Branch  
3<sup>rd</sup> Floor  
Millennium House  
Great Victoria STREET  
Belfast  
BT2 7BN

by fax (marked 'Planning Microgeneration PD  
Consultation Response') to:  
028 9041 6960

Or by e-mail to:  
[Planning.microgenpd@doeni.gov.uk](mailto:Planning.microgenpd@doeni.gov.uk)

All responses should be submitted to the  
Department no later than 22<sup>nd</sup> January 2010



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



INVESTORS IN PEOPLE

**RESPONDENT INFORMATION**

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

**1. Name/Organisation**

Organisation Name

DerryhaleResidents' Association.

Title

Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

[Redacted]

Forename

[Redacted]

**2. Postal Address**

[Redacted]

Postcode:

[Redacted]

Phone:

[Redacted]

Email:

[Redacted]

**3. Are you responding:**

As an individual

On behalf of a group / organisation

**4. Which of the following best describes the capacity in which you are responding:**

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

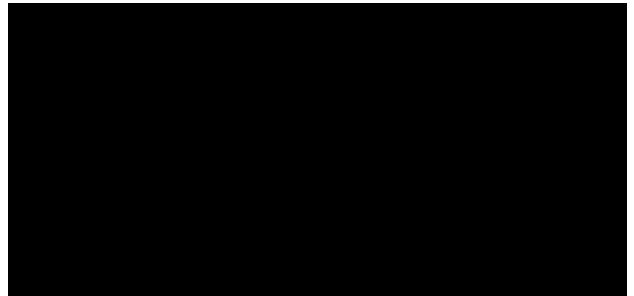
Other  Please state:

Residents' Association.

**5. Acknowledgment**

Individual responses will not be acknowledged unless specifically requested

PLEASE ACKNOWLEDGE SAFE RECEIPT.



# **NON DOMESTIC MICROGENERATION**

## **Introduction**

### **Question 1**

Do you agree that the GDO should be amended to provide permitted development rights for microgeneration equipment in non-domestic land uses?

Yes  No

**With right of appeal by 3<sup>rd</sup> Party interests, if loss of amenity is anticipated.**

### **Question 2**

Should permitted development rights for non-domestic microgeneration be greater than those proposed for dwellinghouses where this can be achieved without increasing the risk of adverse impacts?

Yes  No

### **Question 3**

Should permitted development rights for microgeneration associated with non-domestic land uses be provided for in a separate part within Schedule 1 of the GDO from the existing permitted development rights for those land uses?

Yes  No

**Provided it promotes increased clarity of intention and does not lead to increased bureaucracy and expense.**

## **General limits and conditions to permitted development**

**Question 4**

Do you agree that permitted development in non-domestic land uses should be for microgeneration development that primarily provides heat or energy for use within the curtilage of the non-domestic building or on the agricultural unit?

Yes  No

**If there is surplus energy produced, how will this be accommodated? A surplus whether intended or not should not be wasted and if possible distributed to other users at an economical rate.**

**Question 5**

Do you agree that, subject to the maximum height and area restrictions set out in the Review, permitted development for solar panels or wind turbines erected by undertakers referred to in Part 13 of the GDO or by the Roads Service to meet the energy needs of a range of equipment, systems and other uses permitted under Part 13 of the GDO or by the Roads Service should be allowed, provided it is only to meet the needs of the equipment, systems and other uses with which it is associated?

Yes  No

**Question 6**

Do you agree that a condition of all permitted development for microgeneration devices in non-domestic land uses should be that they be removed as soon as reasonably practicable after they are no longer in use and the land or building restored to its condition before the development took place?

Yes  No

**Provided there has been no loss of amenity, it seems foolish to remove an energy source provided it is still economically functional. In contrast if the energy source is not economically functional or it has led to a necessary loss of amenity during its period of use, then it should be removed and the land restored to the original state. The requirement to remove an energy source should be subject to appeal.**

**Solar Panels**

**Question 7**

Do you agree that permitted development for solar panels fitted to a pitched roof should be limited to the existing roof area?

Yes  No

and the roof area or area contained within the external area of the roof. For example, an external courtyard within the building surround, could be considered for selective covering.

**Question 8**

Do you agree that permitted development for solar panels fitted to a pitched roof should be limited to the maximum height of the existing roof?

Yes  No

**Question 9**

Do you agree that permitted development for solar panels on a pitched roof plane that faces onto and is visible from a road should not extend more than 20cm above the plane of the existing roof slope?

Yes  No

**Question 10**

Do you agree that permitted development for solar panels on a flat roof should not exceed a height of 2m from the roof plane on which they are mounted?

Yes  No

**The consultant document (pg 9) specifies 1.5 m at Sect. 5.1.2 - second bullet point. we support the 1.5 m limit.**

**Question 11**

Do you agree that solar panels permitted on a flat roof should be located at least 2m from the edge of the roof of the building on which they are mounted?

Yes  No

**A flexible application of this restriction should be applied if appealed.**

**Question 12**

Should permitted development rights for roof mounted solar panels be removed in AONBs and National Parks where the roof slope faces onto and is visible from that road?; or

Yes  No

**A blanket ban on all such installations may be too restrictive.**

**Question 13**

Should permitted development rights for roof mounted solar panels be removed in special countryside policy areas where the roof slope faces onto and is visible from that road?; or

Yes  No

**A similar comment applies.**

**Question 14**

Should permitted development rights for roof mounted solar panels in AONBs and National Parks (including special countryside policy areas) be subject to the same limits that apply outside these areas?

Yes  No

**Q 12 and 13 seem to be too restrictive and in our view should be subject to individual application and review.**

**Question 15**

Should permitted development rights for roof mounted solar panels in Conservation Areas be removed where the roof slope to which they are fitted faces onto and is visible from that road?; or

Yes  No

**Similar comment applies.**

**Question 16**

Should permitted development rights for roof mounted solar panels in Conservation Areas be subject to the same limits that apply outside these areas?

Yes  No

**Similar comment applies.**

**Question 17**

Should permitted development rights for roof mounted solar panels in a World Heritage Site be removed where the roof slope to which they are fitted faces onto and is visible from that road?; or

Yes  No

**Similar comment applies.**

**Question 18**

Should permitted development rights for roof mounted solar panels in a World Heritage Site be subject to the same limits that apply outside that area?

Yes  No

**Similar comment applies.**

**Question 19**

Should there be any additional restrictions to permitted development rights for roof mounted solar panels in ASSIs and Sites of Archaeological Interest?

Yes  No

**Question 20**

Should permitted development rights for roof mounted solar panels within the curtilage of a Listed Building only be removed where Listed Building Consent has not previously been granted?

Yes  No

**All listed buildings should be treated on a "level playing field" basis.**

**Question 21**

Should permitted development rights for solar panels fitted to a wall limit them to the boundaries of the existing wall area?; or

Yes  No

**Question 22**

If you do not agree that permitted development rights for solar panels fitted to a wall should be limited by the existing wall area do you think that there should be an area limit to wall mounted panels and, if so, what area should this be?

**Development exceeding existing wall limits is desirable, extensions beyond this is seen as to issue " a blank cheque" for future development and installation.**

**Question 23**

Should permitted development rights for solar panels fitted to a wall within 3 metres of the boundary of the curtilage and extending above 4 metres in height be restricted to protrude no more than 20cm from the plane of the wall?

Yes  No

**and ideally should not lead to loss of local amenity by being visible from a nearby public highway.**

**Question 24**

Should permitted development rights for wall mounted solar panels be removed in AONBs, National Parks, Conservation Areas and World Heritage Sites where they face onto and are visible from a road?

Yes  No

**Question 25**

Do you agree that permitted development rights for wall mounted solar panels in ASSIs and Sites of Archaeological Interest should not be subject to additional restrictions?

Yes  No

**Question 26**

Should permitted development rights for wall mounted solar panels within the curtilage of a Listed Building only be removed where Listed Building Consent has not previously been granted?

Yes  No

**As for Q. 20 all listed buildings should be considered on "a level playing field" basis.**

**Question 27**

Should permitted development rights for free standing solar panels restrict them to a minimum of 5m from the building curtilage and from any road bounding the curtilage?

Yes  No

**Provided the panels are not an "eye sore" and do not lead to other loss of amenity, they should be situated to maximise the input of solar energy.**

**Question 28**

Should permitted development rights for free standing solar panels restrict them to a maximum of 2m above ground level? If not, what height do you believe is appropriate and for what reasons?

Yes  No

**Question 29**

Should the permitted development rights for free standing solar panels allow a maximum surface area of 20m<sup>2</sup> within the curtilage of a building?

Yes  No

**The surface area permitted should be consistent with; energy requirements of the owner of the property; opportunity of the land topography and area; sight screening and to exclude any loss of amenity. These additional clauses should include opportunity for 3<sup>rd</sup>. Party appeal.**

**Question 30**

If you consider a greater area should be allowed, please state what area and the supporting reasons.

**Please see the our response to question 29.**

**Question 31**

Do you agree that the proposed restrictions on permitted development rights for free standing solar panels are reasonable in addressing safety issues beyond the host property?

Yes  No

**Question 32**

Should permitted development rights for free standing solar panels be removed in AONBs, National Parks, Conservation Areas and World Heritage Sites where the installation faces onto a road and is visible from that road?

Yes  No

**National assets should be preserved if at all possible.**

**Question 33**

Should permitted development rights for free standing solar panels be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**For reasons given at Q 32 above.**

**Question 34**

Should permitted development rights for free standing solar panels within the curtilage of a Listed Building only be removed where Listed Building Consent has not previously been granted?

Yes  No

**Answer and reasons are as for Q 20 and 26.**

**Wind Turbines**

**Question 35**

Should permitted development rights for building mounted wind turbines allow them to be a maximum of 3m above the highest point of the roof?

Yes  No

**Provided that, in circumstances where there is a wish/ need to increase the height above the current level, an application may be made to cover the special circumstances. This special application should be subject to 3<sup>rd</sup>. Party objection availability.**

**Question 36**

Should permitted development rights for building mounted wind turbines be for a maximum blade diameter of 2.5m?

Yes  No

**Question 37**

Should permitted development rights for building mounted wind turbines with a vertical axis be for a maximum swept area of 5m<sup>2</sup>?

Yes  No

**Provided this restriction allows similar power out put potential as for the 2.5 m horizontal axis design.**

**Question 38**

Should permitted development rights allow one building mounted wind turbine within the curtilage of a non-domestic building?

Yes  No

**Notwithstanding the argument cited by the authors of the consultation paper, there may be occasions when multiple turbines will be aesthetically acceptable and economically desirable. In these cases individual application and assessment with opportunity for 3<sup>rd</sup>. Party input would be preferable.**

**Question 39**

If you consider more than one should be allowed, please state how many and the supporting reasons.

Please see note to Q 38. The maximum number of turbines is for individual consideration on site and should not be fixed as a rigid number. In contrast the maximum number should be the outcome of local debate; a balance between application and objection if filed.

**Question 40**

If you consider that permitted development rights should allow more than two wind turbines please explain why you consider that the environmental effects are not significant and that the threshold in Schedule 2 to the EIA Regulations should be amended.

Please refer to Q. 38 and 39 . Excess rigidity of regulation frequently results in suboptimal implementation.

**Question 41**

Should permitted development rights for building mounted wind turbines be deferred until noise and air safety issues can be satisfactorily addressed?

Yes  No

Provided the Research and Development (R & D) can be completed within a reasonable time scale e.g. 1 to 2 years.

**Question 42**

Do you agree that a permitted development regime for building mounted wind turbines should not entail the user having to employ a technical expert to carry out a noise survey either before such rights are exercised or to prove compliance?

Yes  No

**Question 43**

Do you agree that it is a matter for installers and manufacturers to ensure that there is no negative impact associated with vibration that may be caused by building mounted wind turbines?

Yes  No

**The building owner should (and does) have a right to demand that a new installation does not have adverse effects on their property and be in a position to seek compensation from the manufacturer/ installer should damage occur.**

**Question 44**

If you do not agree that impacts associated with vibration should be addressed by installers and manufacturers how do you believe they should be addressed?

**Please see our response to Q 43 above.**

**Question 45**

Should permitted development rights for building mounted wind turbines be removed where they extend above public open space, roads and footpaths?

Yes  No

**Individual applications in special circumstances should be permitted and be subject to third Party objection.**

**Question 46**

Should permitted development rights for building mounted wind turbines be deferred until a UK scheme has been developed that satisfactorily addresses the issue of radar safety?

Yes  No

**Provided the R & D can be completed within a reasonable time scale eg 1 to 2 years.**

**Question 47**

Do you agree that there is currently no need to condition permitted development rights for building mounted wind turbines in terms of their potential to induce seizures?

Yes  No

**Question 48**

Should the potential impact of building mounted wind turbines on telecommunications systems be addressed through the publication of guidance material on the best way to site wind turbines to reduce the risk of electromagnetic interference?

Yes  No

**"addressed" is an appropriate form of words for public guidance; not "edict".**

**Question 49**

Should the potential impact of building mounted wind turbines on birds and bats be addressed through the publication of guidance material on the best way to site wind turbines to minimise that impact?

Yes  No

**Guidance not Edict.**

**Question 50**

Should permitted development rights for building mounted wind turbines be removed in AONBs, National Parks, Conservation Areas and World Heritage Sites where the turbine is mounted on a roof or wall that faces onto a road and is visible from that road?

Yes  No

**Local amenity is paramount; individual applications are appropriate.**

**Question 51**

Should permitted development rights for building mounted wind turbines be removed in ASSIs as a precautionary measure to protect bats and birds?

Yes  No

**Individual applications are appropriate.**

**Question 52**

Should permitted development rights for building mounted wind turbines within the curtilage of a Listed Building only be removed where Listed Building Consent has not previously been granted?

Yes  No

**All Listed Buildings should be treated "on a level playing field basis"; please see response to Q 20,26, and 34.**

**Question 53**

Subject to the further limits outlined later in this paper, should permitted development rights for free standing wind turbines in non-domestic land uses should be allowed up to a maximum height of 15m above ground level?

Yes  No

**In individual requirement for larger installations should be subject to individual application and opportunity for 3<sup>rd</sup>. Party objection.**

**Question 54**

Should permitted development rights for free standing horizontal axis wind turbines allow a blade diameter of up to 6m?

Yes  No

**In some circumstances a larger blade diameter may enhance energy development with no loss of public amenity. In such circumstances individual application should be permitted and be appraised as a "one off" application and linked with opportunity for 3<sup>rd</sup>. Party objection.**

**Question 55**

If you consider a different blade diameter is appropriate, what is it and please state your supporting reasons.

**Please see comment in Q 54 above. The maximum blade diameter should be determined in discussion between Planners, Expert Advisers and market availability.**

**Question 56**

Should permitted development rights for free standing wind turbines with a vertical axis allow a maximum swept area of 28m<sup>2</sup>?

Yes  No

**Accepting that 28 square metres swept area provides a similar power output to a blade diameter of 6 metres on a horizontal turbine, our comments to Q 54 and 55 apply.**

**Question 57**

Should permitted development rights for free standing wind turbines require that they are located a minimum of 17m from a neighbouring building curtilage or road?

Yes  No

**Apart from visual impact, safety is also a major consideration. A 15 metre high mast will not strike a building 17 metres from its base, should it break off at ground level and fall toward the building or road.**

**Question 58**

Should permitted development rights for building mounted wind turbines be deferred until a UK scheme has been developed that satisfactorily addresses the issue of radar safety?

Yes  No

**Provided R & D can be completed within a reasonable time scale eg. 1 to 2 years.**

**Question 59**

Do you agree that there is currently no need to condition permitted development rights for building mounted wind turbines in terms of their potential to induce seizures?

Yes  No

**Question 60**

Do you agree that the risk to members of the public outside the curtilage posed by wind turbines falling over is sufficiently addressed by the requirement for them to be located a minimum of 17m from a neighbouring building curtilage or road?

Yes  No

Please see response to Q 57.

**Question 61**

Should permitted development rights require that the blade tips of a free standing wind turbine must be a minimum of 5m above ground level?

Yes  No

**Question 62**

Should permitted development rights for free standing wind turbines allow only one turbine within a building curtilage or on an agricultural unit?

Yes  No

**There may be exceptional circumstances (power requirements or sufficient land area available) to make installation of multiple units desirable. Individual application should be available in such circumstances, with protection of 3<sup>rd</sup>. Party rights of appeal being protected. See also answer to Q 38 above.**

**Question 63**

Do you agree that a separation distance of 34m between free standing wind turbines on neighbouring properties is sufficient to address cumulative visual impact?

Yes  No

**Will there be opportunity for 3<sup>rd</sup>. Party objection?**

**Question 64**

If you consider that a greater separation distance than 34m between free standing wind turbines on neighbouring properties is required, what is it and please state your supporting reasons?

**On occasions a separation of more than 34 m may be desirable. If there is no 3<sup>rd</sup>. Party objection one can infer that the standard 34 m separation is sufficient.**

**Question 65**

Should the potential impact of free standing wind turbines on telecommunications systems be addressed through the publication of guidance material on the best way to site wind turbines to reduce the risk of electromagnetic interference?

Yes  No

**Guidance not edict.**

**Question 66**

Should the potential impact of free standing wind turbines on birds and bats be addressed through the publication of guidance material on the best way to site wind turbines to minimise that impact?

Yes  No

**Guidance not edict.**

**Question 67**

Should permitted development rights for free standing wind turbines be deferred until noise issues can be satisfactorily addressed?

Yes  No

**Subject to the rider noted in response to Q 41, 46 and 58 above.**

**Question 68**

Should permitted development rights for free standing wind turbines in AONBs and National Parks be required to be located within 50m of the nearest building which will utilise the electricity produced?

Yes  No

**Yes, but with opportunity to vary this distance, to optimise power output, should special circumstances make it necessary. Third Party objection opportunity should be available on such occasions.**

**Question 69**

Should permitted development for free standing wind turbines be removed in Conservation Areas and World Heritage Sites?

Yes  No

**To preserve local amenity.**

**Question 70**

Should permitted development rights for free standing wind turbines be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**To preserve local amenity.**

**Question 71**

Should permitted development rights for free standing wind turbines within the curtilage of a Listed Building be removed?

Yes  No

**To preserve local amenity.**

## Hydro

### Question 72

Do you agree that there should be no permitted development rights introduced for in-stream works associated with hydro microgeneration in non-domestic land uses?

Yes  No

**A facility to make special application should be available with concurrent 3<sup>rd</sup>. Party right of objection.**

### Question 73

Should the provision of a new or replacement turbine house for an existing hydro microgeneration scheme be permitted development provided it is a maximum of 3m in height, has a maximum floor area of 10m<sup>2</sup> is located at least 5m from the building curtilage and not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road?

Yes  No

**Special circumstances may require individual specific development, in excess of the limits proposed. Special circumstance application should be available with inbuilt 3<sup>rd</sup>. Party protection.**

### Question 74

Do you agree that no further restrictions on the permitted development rights for new or replacement turbine houses are necessary in AONBs and National Parks?

Yes  No

### Question 75

Should permitted development rights for new or replacement turbine houses be removed in Conservation Areas, World Heritage Sites, ASSIs and Sites of Archaeological Interest?

Yes  No

**Why should Q74 be treated differently from Q75?**

**Question 76**

Should permitted development rights for new or replacement turbine houses associated with existing hydro schemes within the curtilage of a Listed Building only be removed where Listed Building Consent has not previously been granted?

Yes  No

**As for our responses to Q20;26;34 and 52, all listed buildings should be treated on a "level playing field" basis.**

**Biomass and combined heat and power plants**

**Question 77**

Should a new building or extension to house a biomass or CHP boiler be permitted development provided the new building or extension has a maximum floorspace of 10m<sup>2</sup> and a maximum height of 3m?

Yes  No

**This consultative document speaks of boilers being run at nearly 100% efficiency; then slightly more realistically @ 80%. Additional comment states that "it is not economically viable to fit a biomass - CHP system into a floor area of 10square metres --". A further rider has been added " -- this could change in the future -- ". It may not change! Do not impose regulations which are based on hypotheses!**

**Question 78**

Should a new building or extension to house a biomass or CHP boiler for non-domestic buildings with a floor area of 1,000m<sup>2</sup> or more be permitted development provided the new building or extension has a maximum floorspace of 75m<sup>2</sup> and maximum height of 3m?

Yes  No

Please see comment to Q77.

**Question 79**

Should permitted development rights for a new building or extension to house a biomass or CHP boiler require that the development is a minimum distance of 5m from any boundary of the building curtilage and not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road.

Yes  No

Protection of visual amenity should be a major consideration.

**Question 80**

Should it be a condition of permitted development rights for the provision of a biomass boiler for non-domestic use that the fuel must not include products derived from animal wastes or wood containing dangerous substances?

Yes  No

Avoidance of pollution is extremely important

**Question 81**

Do you agree that noise impacts from biomass and CHP boilers is a low risk and that this risk is minimised by other restrictions upon permitted development rights for boiler houses?

Yes  No

**Question 82**

Should a new building or extension to an existing building to house fuel for a biomass boiler be permitted development provided the new building or extension has a maximum floorspace of 10m<sup>2</sup> and maximum height of 3m?

Yes  No

**Provided that there is no loss of visual amenity to 3rd. Parties. We believe that a pro rata the maximum area of the floor space would be more appropriate. For example a floor space of 999 square metres is limited to extensions not exceeding 10 square metres, whereas a floor space of 1001 square metres can have an extension up to 75 square metres. This requirement is not logical.**

**Question 83**

Should a new building or extension to an existing building to house fuel for a biomass boiler for non-domestic buildings with a floor area of 1,000m<sup>2</sup> or more be permitted development provided the new building or extension has a maximum floorspace of 75m<sup>2</sup> and maximum height of 3m?

Yes  No

**Provided that there is no loss of visual amenity to 3<sup>rd</sup>. Parties.  
Please note our concern that a pro rata approach has not been applied**

**Question 84**

Should permitted development rights for a new building or extension to an existing building to house fuel for a biomass boiler for non-domestic buildings be restricted to those located a minimum distance of 5m from any boundary of the building curtilage and not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road?

Yes  No

**Question 85**

Should permitted development rights for a new building or extension only apply to the first biomass/CHP boiler house and the first fuel biomass fuel store erected under permitted development rights within the curtilage of a building?

Yes  No

**Question 86**

Should permitted development rights for the installation of a flue for a biomass or CHP system be allowed provided the height of the flue does not exceed 1m above the highest part of the existing roof?

Yes  No

**Question 87**

Should permitted development rights for the replacement or alteration of an existing flue to allow it to be utilised by a biomass or CHP system be allowed provided the replaced or altered flue is located in the same place as the existing flue and is of dimensions that do not exceed the existing flue?

Yes  No

**Question 88**

For biomass or CHP systems in industrial buildings do you consider the above proposals for permitted development could be replaced by permitted development rights for flues up to a maximum height of 15m above ground level without greatly increasing visual impacts?

Yes  No

**In general this may well be correct; there are however always exceptions to any generalisation. Provision for 3<sup>rd</sup>. Party objection to loss of visual amenity should be available.**

**Question 89**

Do you agree that there should be no additional restrictions on permitted development rights for biomass and CHP boiler houses, fuel stores and flues within AONBs, National Parks, Conservation Areas and World Heritage Sites?

Yes  No

**Question 90**

If you do not agree, what additional restrictions do you consider would be appropriate and please state your supporting reasons?

N/a.

**Question 91**

Should permitted development rights for biomass and CHP boiler houses and fuel stores be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**The requirement to preserve such sites should be an obligation placed on the curator or owner. However not all curators will acknowledge such responsibility and control may be required. Opportunity to apply for development rights should be available.**

**Question 92**

Should permitted development rights for a biomass or CHP boiler house, fuel store or flue only be removed where Listed Building Consent has not previously been granted?

Yes  No

**All listed buildings should be treated equally.**

**Question 93**

Should permitted development rights be provided for anaerobic digestion plants on an agricultural unit?

Yes  No

**Question 94**

If you agree that permitted development rights for anaerobic digestion plants should be provided should they be subject to similar restrictions to those for agricultural permitted development rights as outlined ?

**Regulations should be as simple and clear as possible, consistent with efficacy of application. In general, if the regulations can be applied across the board, they should be written accordingly, albeit with occasional additional clauses where necessary to achieve the objective.**

**Question 95**

Should permitted development rights for anaerobic digestion plants be limited to those that use only materials generated on the agricultural unit on which the plant is located?

Yes  No

In principle, although exceptional applications to utilise offsite materials, according to need and availability should be available. Consideration of potential loss of local amenity and availability of 3<sup>rd</sup>. Party objection should be noted when drafting the regulations.

**Question 96**

Do you agree that permitted development rights for anaerobic digestion plants do not need to be further restricted in AONBs, National Parks, World Heritage Sites or Conservation Areas?

Yes  No

**Question 97**

Should permitted development rights for anaerobic digestion plants be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

Provided the digestable material is provided/ produced on site.

**Question 98**

Should permitted development rights for anaerobic digestion plants within the curtilage of a Listed Building only be removed where Listed Building Consent for the development has not previously been granted?

Yes  No

Remarks as for Q20;26;34;52 and 76.

**Heat Pumps**

**Question 99**

Should permitted development rights be provided for ground source heat pumps in non-domestic land uses, subject to appropriate restrictions?

Yes  No

**Question 100**

Should permitted development rights for ground source heat pumps be restricted to those where the area of excavation does not exceed 0.5ha and the area of excavation is returned to its state prior to the development taking place?

Yes  No

**Question 101**

Should permitted development rights for above ground elements necessary for the operation of a ground source heat pump within the curtilage of a building with floorspace of less than 1000m<sup>2</sup> be restricted to buildings or extensions that do not exceed 3m in height and of a maximum area of 10m<sup>2</sup>?

Yes  No

**We believe that a pro rata increase in the maximum area of the floor space would be more appropriate. For example a floor space of 999 square metres is limited to extensions not exceeding 10 square metres. Whereas a floor space of 1001 Square metres can have an extension up to 75 square metres. This is illogical and inevitable will be challenged if implemented.**

**Question 102**

Should permitted development rights for above ground elements necessary for the operation of a ground source heat pump within the curtilage of a building with floorspace of 1000m<sup>2</sup> or more be restricted to buildings or extensions that do not exceed 3m in height and a maximum area of 75m<sup>2</sup>?

Yes  No

**Please see response to Q101.**

**Question 103**

Should the above ground elements necessary for the operation of a ground source heat pump be required to be located a minimum of 5m from the boundary of the building curtilage and from any road, and to be located not nearer to any road that bounds the curtilage than that part of the existing building nearest to that road?

Yes  No

**Question 104**

Do you agree that there should be no additional restrictions upon permitted development rights for ground source heat pumps within AONBs, National Parks, Conservation Areas and World Heritage Sites?

Yes  No

**Question 105**

Should permitted development rights for ground source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**Individual applications should be available with protection of 3<sup>rd</sup>. Party rights.**

**Question 106**

Should permitted development rights for above ground elements of a ground source heat pump within the curtilage of a Listed Building be removed only where Listed Building Consent for the development has not previously been granted?

Yes  No

Please see our response to Q20;26;34;52 and 76.

**Question 107**

Should permitted development rights be provided for water source heat pumps in non-domestic land uses subject to appropriate restrictions?

Yes  No

**Question 108**

Should permitted development rights for water source heat pumps be restricted to those where the pipework does not exceed an area of 0.5ha?

Yes  No

**Remember it is always easier to relax regulations rather than to make them more restrictive. To have artificial icebergs in our rivers and lakes will not enhance the environment! We would prefer a smaller area to be considered as the limit until consequences of temperature reduction of the water sources has been assessed.**

**Question 109**

Should permitted development rights for above ground elements necessary for the operation of a water source heat pump within the curtilage of a building with floorspace of less than 1000m<sup>2</sup> be restricted to buildings or extensions that do not exceed 3m in height and an area of 10m<sup>2</sup>?

Yes  No

Please see our response to Q101 above.

**Question 110**

Should permitted development rights for above ground elements necessary for the operation of a water source heat pump within the curtilage of a building with floorspace of 1000m<sup>2</sup> or more be restricted to buildings or extensions that do not exceed 3m in height and an area of 75m<sup>2</sup>?

Yes  No

Please see our comment to Q101 and 102 above.

**Question 111**

Should the above ground elements necessary for the operation of a water source heat pump be required to be located a minimum of 5m from the boundary of the building curtilage and from any road, and to be located not nearer to any road that bounds the curtilage than that part of the existing building nearest to that road?

Yes  No

**Question 112**

Do you agree that there should be no additional restrictions on permitted development rights for water source heat pumps within AONBs, National Parks, Conservation Areas and World Heritage Sites?

Yes  No

**Question 113**

Should permitted development rights for water source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**Individual application should still be available to an owner or custodian of such sites with protection of 3<sup>rd</sup>.Party interests and rights.**

**Question 114**

Should permitted development rights for water source heat pumps within the curtilage of a Listed Building be removed only where Listed Building Consent for the development has not previously been granted?

Yes  No

**See response to Q20;26;34;52;76 and 106.**

**Question 115**

Should permitted development rights for air source heat pumps be deferred until noise issues can be satisfactorily addressed?

Yes  No

**Provided R & D into "noise issues" can be completed within a reasonable period of say 1 to 2 years.**

**Question 116**

Do you agree that a permitted development regime for air source heat pumps should not entail the user having to employ a technical expert to carry out a noise survey either before such rights are exercised or to prove compliance?

Yes  No

**The manufacturer and installer should be competent to advise and ensure respectively that noise limits are not exceeded.**

**Question 117**

Should permitted development rights for air source heat pumps for buildings with a floor area of less than 1,000m<sup>2</sup> be restricted to a maximum volume of 30m<sup>3</sup>?

Yes  No

**No a pro rata restriction should apply.**

**Question 118**

Should permitted development rights for air source heat pumps for buildings with a floor area of 1,000m<sup>2</sup> or more be restricted to a maximum volume of 75m<sup>3</sup>?

Yes  No

**A pro rata restriction should apply.**

**Question 119**

Should air source heat pumps be located a minimum distance of 5m from any boundary of the building curtilage and not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road?

Yes  No

**Question 120**

Should permitted development rights for air source heat pumps require that they do not exceed the height of the existing building?

Yes  No

**Question 121**

Do you agree that there should be no additional restrictions on permitted development rights for air source heat pumps within AONBs or National Parks?

Yes  No

**Question 122**

Should permitted development rights for air source heat pumps within Conservation Areas and World Heritage Sites be removed where any external element of the heat pump within the curtilage of the building is mounted on a wall that faces onto a road and is visible from that road?

Yes  No

**Retention of visual amenity is of major importance.**

**Question 123**

Should permitted development rights for air source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

Yes  No

**Retention of visual amenity is of major importance.**

**Question 124**

Should permitted development rights for air source heat pumps within the curtilage of a Listed Building be removed only where Listed Building Consent for the development has not previously been granted?

Yes  No

**All Listed Buildings should have equal opportunity to avail of this source of energy.**

# DOMESTIC MICROGENERATION

## Question 1

Should restriction on permitted development rights for roof mounted solar panels on a dwellinghouse in ASSIs be removed on the basis that such development would not prejudice the reason for ASSI designation?

Yes  No

**There should be no loss of visual amenity.**

## Question 2

Should restriction on permitted development rights for wall mounted solar panels on a dwellinghouse in ASSIs be removed on the basis that such development would not prejudice the reason for ASSI designation?

Yes  No

**Subject to no loss of visual amenity.**

## Question 3

Should permitted development rights for free standing solar panels within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**Placement of Free standing installations to maximise energy collection may be in conflict with preservation of archaeological remains and lead to loss of public amenity.**

## Question 4

Should permitted development rights for biomass fuel containers within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**Provided that the owner or curator is aware of and accepts their obligation to retain the amenity of the site preservation is secured. In circumstances where there is doubt a consultation process should be available**

**Question 5**

Should permitted development rights for building mounted wind turbines on dwellinghouses in ASSIs be removed as a precautionary measure to protect bats and birds?

Yes  No

**Guidance would be welcome, but blanket withdrawal of these rights is too dictatorial and restrictive.**

**Question 6**

Should permitted development rights for free standing wind turbines within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**But is subject to our response to Q4 above.**

**Question 7**

Should restrictions on permitted development rights for flues within the curtilage of a dwellinghouse in ASSIs be removed on the basis that such development would not prejudice the reason for ASSI designation?

Yes  No

**Permitted development for flues should be retained provided that any new installation does not lead to loss of visual amenity.**

**Question 8**

Should permitted development rights for ground source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**Individual application for permission to develop ground source heat pumps should be an available alternative and subject to retention of 3<sup>rd</sup>. Party rights of objection.**

**Question 9**

Should permitted development rights for water source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**Individual application should still be an option with protection of 3<sup>rd</sup>. Party rights.**

**Question 10**

Should permitted development rights for air source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

Yes  No

**Please see our response to Q4 above.**