



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

Once you have completed this form please
return to

Policy and Legislation Branch
3rd 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

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
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

RSPB Northern Ireland

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:

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

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

See briefing for key points on designated sites.

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

As long as there is an impact criteria approach, to ensure protection of our natural heritage while encouraging renewable energy uptake.

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

For clarity.

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

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

But should also ensure that PD rights will not apply for wind turbine installations within or adjacent to designated wildlife sites.

Please see comments on designated sites in our accompanying briefing.

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

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

Whilst RSPB has no comment on the limits themselves, where roofs are subject to alteration or building work, provision should be made for nesting birds and other wildlife (swifts, house martins, sparrows, starlings and bats are commonly found nesting or roosting under roof tiles or flashing). The Wildlife (NI) Order 1985 (as amended) states that it is an offence to damage or destroy the nest of any wild bird while in use, or being built. Bats and their roosts are afforded similar protection. The RSPB ask that guidance be provided to householders and contractors advising them on any wildlife issues that may be affected by changes to PD rights. The guidance should aim to make people aware that due consideration should be given to nesting birds especially between March and August, and for bats roosting in roof spaces. We would be happy to advise on the production of this guidance.

Further information can also be found at:

<http://www.rspb.org.uk/advice/helpingbirds/roofs/index.asp>

We do ask that opportunities to maximise the use of solar and photovoltaic panels are encouraged. We support the view that sustainability considerations should outweigh aesthetics in most cases.

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

No comment (n/c)

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

As for domestic micro-generation - see Annex 1 question responses.

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

N/c

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

N/c

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?

N/c

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

N/c

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

N/c

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

As for domestic micro-generation - see Annex 1 question responses.

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

N/c

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

N/c

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

N/c

Question 29

Should the permitted development rights for free standing solar panels allow a maximum surface area of 20m² within the curtilage of a building?

Yes No

Whilst we believe that restrictions may be necessary when considering free-standing arrays, efforts should be made to ensure that these restrictions are uniform across the UK to aid clarity for manufacturers and householders. Where there is the potential to increase the proportion of hard standing in gardens, we would raise concern about the potential impact this may have on garden wildlife and on surface run off.

Question 30

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

N/c

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

N/c

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

N/c

Question 33

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

Yes No

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

N/c

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

Because there has been very little research into the effects of micro-wind turbines on birds and other wildlife, there is no evidence available to confirm whether the various criteria in this section are appropriate in terms of limiting the effects on wildlife, especially birds and bats.

Question 36

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

Yes No

N/c

Question 37

Should permitted development rights for building mounted wind turbines with a vertical axis be for a maximum swept area of 5m²?

Yes No

N/c

Question 38

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

Yes No

N/c

Question 39

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

N/c

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.

N/c

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

N/c

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

N/c

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

While the RSPB has no view on this, it would be helpful if requirements were uniform across the UK to aid clarity for manufacturers, contractors and householders.

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?

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

See Q35. In the current absence of information, coordinated monitoring of building mounted wind turbines across the UK will be important to assess impacts on wildlife, and then to review PD rights if adverse impacts are found.

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

N/c

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

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

N/c

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

N/c

Question 54

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

Yes No

N/c

Question 55

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

N/c

Question 56

Should permitted development rights for free standing wind turbines with a vertical axis allow a maximum swept area of 28m²?

Yes No

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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

N/c

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?

N/c

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

N/c

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

See Q35 and Q49.

Question 67

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

Yes No

N/c

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

N/c

Question 69

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

Yes No

N/c

Question 70

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

Yes No

Question 71

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

Yes No

N/c

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

We agree that there should be no additional PDR for hydro-electric generating schemes.

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 10m² 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

N/c

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

N/c

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

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

N/c

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 10m² and a maximum height of 3m?

Yes No

N/c

Question 78

Should a new building or extension to house a biomass or CHP boiler for non-domestic buildings with a floor area of 1,000m² or more be permitted development provided the new building or extension has a maximum floorspace of 75m² and maximum height of 3m?

Yes No

N/c

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

N/c

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

N/c

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

N/c

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 10m² and maximum height of 3m?

Yes No

N/c

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 1,000m² or more be permitted development provided the new building or extension has a maximum floorspace of 75m² and maximum height of 3m?

Yes No

N/c

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

N/c

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

N/c

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

Where work is conducted on roofs due consideration should be given to wildlife as discussed in question 7.

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

N/c

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

N/c

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

N/c

Question 90

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

N/c

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

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

N/c

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 ?

Yes

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

N/c

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

N/c

Question 97

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

Yes No

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

N/c

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

N/c

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 1000m² be restricted to buildings or extensions that do not exceed 3m in height and of a maximum area of 10m²?

Yes No

N/c

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 1000m² or more be restricted to buildings or extensions that do not exceed 3m in height and a maximum area of 75m²?

Yes No

N/c

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

N/c

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

N/c

Question 105

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

Yes No

Trenches or boreholes associated with ground or water source heat pumps could have the potential to impact on designated sites. We therefore support the proposal to make heat pumps and associated development PD, except in or adjacent to ASSIs.

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

N/c

Question 107

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

Yes No

N/c

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

N/c

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 1000m² be restricted to buildings or extensions that do not exceed 3m in height and an area of 10m²?

Yes No

N/c

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 1000m² or more be restricted to buildings or extensions that do not exceed 3m in height and an area of 75m²?

Yes No

N/c

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

N/c

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

N/c

Question 113

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

Yes No

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

N/c

Question 115

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

Yes No

N/c

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

N/c

Question 117

Should permitted development rights for air source heat pumps for buildings with a floor area of less than 1,000m² be restricted to a maximum volume of 30m³ ?

Yes No

N/c

Question 118

Should permitted development rights for air source heat pumps for buildings with a floor area of 1,000m² or more be restricted to a maximum volume of 75m³ ?

Yes No

N/c

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

N/c

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

N/c

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

N/c

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

N/c

Question 123

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

Yes No

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

N/c

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

Unless in the unlikely circumstance that the ASSI designation feature is present on the roof (e.g. moss or lichen, nesting birds etc).

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

Ditto.

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

Again, unless the ASSI designation feature is present within the dwellinghouse curtilage, this is very unlikely to affect the ASSI features.

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

Ditto.

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

RSPB Northern Ireland strongly believes that applications for micro-wind turbines should require an application for planning permission if they fall within ASSIs. We acknowledge that not all ASSIs have designation features that would be affected by micro wind turbines. However, in the interests of simplicity, we believe PD rights should not apply in any of these designated sites.

However, a proposal does not have to be situated within a designated site to have an effect on the habitats or species for which the site is designated. SNH guidance* on natural heritage assessment of small scale wind energy projects suggests that applicants consider the potential for a development to impact upon any designated site within 20km of the proposed development. While 20km would not be reasonable for micro-generation equipment, RSPB suggest that PD be excluded for micro wind turbines within a designated site and within a buffer zone of 2 km surrounding the designated site.

The cumulative impact of multiple proposals must also be considered as this has the potential to effect sensitive species and habitats, particularly where these occur nearby a designated site. This will require a commitment to monitor the effects of micro technologies and review PD rights if necessary.

*** SNH Guidance Note (March 2008) Natural heritage assessment of small scale wind energy projects which do not require formal Environmental Impact Assessment (EIA).**

Available from <http://www.snh.org.uk/strategy/renewable/sr-we00.asp>

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

As 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

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

Bore holes, trenches and other equipment associated with ground and water source heat pumps could also adversely affect designated sites. We therefore believe that PD rights should not be granted for these technologies within or adjacent to ASSIs.

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

As above.

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

As above.



for birds
for people
for ever

A briefing from RSPB Northern Ireland

Response to the consultations on Permitted Development Rights – Householder, Non-Householder and Microgeneration Development

Introduction

The RSPB works to protect birds and their habitats through direct land management, education and policy advocacy, supported by over one million members in the UK, of whom more than 11,000 live in Northern Ireland. **Our vision is a planning system for Northern Ireland with sustainable development at its heart, focusing on the creation and delivery of better places for people and for wildlife, ensuring protection of the environment and embracing effective community participation.**

General comments

In general, the RSPB welcomes the proposed changes to Permitted Development Rights (PDR) and we hope that this will make more time available to the planning authorities to deal with larger, potentially more environmentally damaging applications. However, changes to PDR must be transparent and easy for householders, contractors, planners and the public to interpret and utilise. It is also important that changes to PDR are taken with due regard to the potential impact on the environment. We have therefore made some specific comments, outlined below.

Designated sites

The RSPB welcomes the removal of most PDR from within Areas of Special Scientific Interest (ASSIs), but seeks clarity over its application to Ramsar sites¹ not underpinned by ASSIs. Planning Policy Statement 2 Planning and Nature Conservation (PPS2) paragraph 26 states that the same considerations are applied to Ramsar sites as to European sites designated under the Habitats and Birds Directive (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)).

PDR on European sites are already governed by regulation 56 of the Conservation (Natural habitats etc) Regulations (1995) (as amended), and the applicant must obtain written approval from the Department of the Environment (Northern Ireland Environment Agency (NIEA)) before commencing development.

We would like confirmation that this applies in practice, for example within the south Lough Neagh Ramsar site, which is not underpinned by an ASSI. Without this clarity, this internationally designated site could be afforded lesser protection than nationally designated sites. We have lobbied for clearer policies on development and Ramsar sites in the revision of PPS2, still outstanding.

Within ASSIs, sections 32 (duties of owners and occupiers) and 38 (duties of public bodies) of the Environment (NI) Order 2002 still apply, so notice should be given to NIEA if the proposed development constituted an operation likely to damage the interests of an ASSI².

¹ Protected under the Convention on Wetlands of International Importance.

² Equivalent to Government circular covering England: Biodiversity and geological conservation – statutory obligations and their impact within the planning system, [ODPM Circular 06/2005](#)

Wildlife Order compliance

The likely impact of building works on biodiversity must be made clear in all relevant proposals. A number of bird species including house martins, swifts, sparrows and starlings use roof spaces and eaves as nesting habitat, and are suffering a loss of these nesting sites due to renovations and rebuilds. The Wildlife (NI) Order 1985 (as amended) affords protection to all wild birds, their nests, eggs and young. Similar protection is afforded to bats and their roosts. We request comprehensive guidance to advise the public and planners of the law and to recommend appropriate mitigation measures.

Hard-standing and floodplain development

We strongly support the requirements for no new non-porous hard-standing, compatible with government policies to encourage sustainable urban drainage systems (SUDS).

However, we believe there should be tighter restrictions within floodplains, compatible with policy FLD1 in PPS15 Planning and Flood Risk. The restrictions should not only be in order to avoid adverse effects on human use of the new development by flooding, but to recognise that all development in floodplains has the potential to exacerbate flood problems elsewhere. This section should be carefully assessed against the requirements of the Water Framework Directive (WFD), and the programme of measures being put forward by the government under WFD-related legislation.

Turbines

Guidance in Scotland on natural heritage assessment of small-scale wind energy projects³ suggests that applicants consider the potential for a development to impact upon any designated site within a buffer of the proposed development. We suggest that PDR be excluded for micro wind turbines both within designated sites and within a buffer zone of 2 km.

There has been very little research into the effects of micro-wind turbines on birds and other wildlife to date, so we strongly support the need for coordinated monitoring of building mounted wind turbines across the UK to assess impacts on wildlife, and a review PDR if adverse impacts are found.

Guidance

It is essential that guidance be produced to thoroughly explain the changes and to offer advice on a range of topics relevant to users, notably advice on how to avoid the impact of permitted development on biodiversity. It would be helpful if this guidance, especially for professionals and contractors, was similar to that available in the rest of the UK and that common standards were to apply, e.g. to microgeneration technical specifications.

The RSPB is happy to offer advice on the formation of this guidance and relevant information can also be found on our website, e.g. www.rspb.org.uk/advice.

Monitoring and review

As well as monitoring effects of building mounted turbines, the cumulative effect of other PDR proposals on protected habitats and species, particularly on or near designated sites. The RSPB seeks a commitment to monitoring, and to a review of PDR if adverse effects are found.

³ SNH Guidance Note (March 2008) Natural heritage assessment of small scale wind energy projects which do not require formal Environmental Impact Assessment (EIA) - www.snh.org.uk/strategy/renewable/sr-we00.asp.