

LISBURN CITY COUNCIL

MICROGENERATION

PERMITTED DEVELOPMENT RIGHTS

CONSULTATION PAPER

14 DECEMBER 2009

TURLEY ASSOCIATES

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Appendices:

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Date of Issue: 14 December 2009

1. Introduction

- 1.1 Turley Associates have been commissioned to provide Lisburn City Council with a summary and assessment of the public consultation paper on the permitted development rights for Microgeneration Development and recommend a response to the Planning Service.

- 1.2 This report summarises the main contents of the consultation paper and identifies issues which need to be considered by the Council (Section 4). The recommended response to the Consultation Paper is attached as Appendix A.

2. Background

- 2.1 All 'development' requires planning permission by virtue of the Planning (NI) Order 1991 as amended but certain small scale development is permitted by virtue of the Planning (General Development) Order 1993 (GDO) as amended. This development is permitted subject to certain conditions specified in the GDO and a person carrying out the development may ask Planning Service to confirm that the development is permitted by applying for a Certificate of Lawful Use or Development (CLUD) although this is not necessary.
- 2.2 It is the intention of the Department to extend permitted development rights in the GDO to small scale renewable energy development or microgeneration for non-domestic land uses (not associated with a dwelling house).
- 2.3 The permitted development rights have been formulated on the basis of a report produced by Entec UK Ltd. reviewing the impact criteria for extending microgeneration rights to non-domestic buildings. This report was published in September 2009.
- 2.4 Adopting the recommendations of the Entec report the Department issued a draft consultation paper on 21 October 2009 asking for comments on the suitability of a number of microgeneration technologies that could be permitted development.
- 2.5 This consultation follows on from a previous one in January 2007 for microgeneration permitted development rights for domestic dwelling houses. The Department is now proposing to take forward the statutory rule in relation to that type of development and have asked for comments on the nature and wording of the rules.
- 2.6 The consultation period expires on Friday 22 January 2010. Thereafter, the Department will:
- consider all comments submitted;
 - draft and/or amend the statutory rule as necessary; and
 - pursue it through the appropriate parliamentary process, having first been signed-off by the Minister.

- 2.7 No timescale is proposed for the legislation. We note, however, that it has taken the Department approximately two and half years to date to carry out a consultation and draft statutory rules for microgeneration for domestic dwelling houses

3. Microgeneration Permitted Development Rights for Non-Domestic Land Use – A Summary

3.1 The consultation paper is subdivided into 6 sections:

- General limits and conditions to permitted development;
- Solar Panels;
- Wind Turbines;
- Hydro;
- Biomass and combined heat and power plants (CHP); and
- Heat Pumps.

A summary of the main themes of each section is provided below.

- 3.2 Additional Annexes are attached to the consultation paper. At annex 1 is a draft statutory rule for microgeneration for domestic dwellings. Turley Associates did not previously comment on the consultation in January 2007 on behalf of Lisburn City Council but general observations are made for your consideration. We also recommend that the draft statutory rule also be passed to your solicitors for comment.
- 3.3 Annex 2 is the DOE Section 75 Equality of Opportunity Screening Analysis Form. Annex 3 is the Rural Proofing Analysis. Annex 4 is the Executive Summary of the Regulatory Impact Assessment carried out for the Department of the Environment by Entec. We do not propose to comment on Annexes 2 to 4.

General limits and conditions to permitted development

- 3.4 The Department proposes to limit the permitted development rights for non-domestic land uses to those developments that primarily provide heat or energy for use within the curtilage of the non-domestic building. This limitation would also apply to agricultural land. The consultation paper further states that this would still allow any electricity produced out with the periods when it is required by the building or land use to be fed into the grid.
- 3.5 The paper confirms that the limitations should not apply to solar panels or wind turbines that are used to provide energy to equipment such as highway signs, railway signalling, bus shelters in remote areas, where connecting to the grid.

- 3.6 To prevent the proliferation of redundant microgeneration devices a general condition will be included for all devices erected, that they must be removed as soon as reasonably practicable after no longer in use and, where appropriate, the land restored to its former condition before the development took place.

Solar Panels

- 3.7 It is proposed that roof mounted solar panels will be permitted development provided that they do not exceed the existing roof area. On pitched roofs the solar panels should be limited to the maximum height of the existing roof. Where the roof fronts on a road the maximum protrusion of 20cm from the roof plane is suggested to reduce the likelihood of overshadowing and visual impact. On flat roofs a solar panel can project from the roof plane by up to 2 metres as long as they are located 2 metres from the edge of the roof. This allows for more energy to be generated while still minimizing the visual impact, by reducing the viewing angle of the panel.
- 3.8 The consultation paper is open ended on excluding permitted rights for roof mounted solar panels on development in sensitive areas if they are fitted to roof slopes that face onto and are visible from a road or on flat roofs where any part of the solar panel is visible from the road. The Department has invited comments on the impacts of this for Areas of Outstanding Natural Beauty (AONBs) and National Parks (NPs), Conservation Areas (CAs) and World Heritage Sites (WHSs).
- 3.9 For Areas of Special Scientific Interest (ASSIs) or Sites of Archaeological Interest (ASIs) no limitations are proposed on roof mounted solar panels. Permitted development rights will apply to Listed Building unless Listed Building Consent has been previously granted.
- 3.10 It is proposed that wall mounted solar panels should be permitted development as long as they are limited to the boundaries of the existing wall and, when fitted

- 3.11 The consultation paper proposes excluding permitted rights for wall mounted solar panels on development where any part of the solar panel is visible from the road in Areas of Outstanding Natural Beauty and National Parks, Conservation Areas and World Heritage sites.
- 3.12 For Areas of Special Scientific Interest or Sites of Archaeological Interest no limitations are proposed on roof mounted solar panels. Permitted development rights will apply to Listed Building unless Listed Building Consent has been previously granted.
- 3.13 It is proposed that permitted development rights for free standing solar panels will apply where the panels are located 5m from any road which bounds the curtilage of the building and 5m from the curtilage of the building. It is also recommended that the solar panels be no more than 2m in height above ground level (as there were very few examples of panels taller than 2m found as part of the review process) and that the total area of panels should be no more than 20 square metres. To promote flexibility more than one installation will be permitted for free standing solar panels within the curtilage of the building or within an agricultural unit.
- 3.14 With regard to aircraft safety no additional safety requirements were deemed necessary as the height restriction of 2m is less than the safeguarding restriction of 3m specified elsewhere in the GDO for development within 3km of an aerodrome. The Department also comments that it is the responsibility of the land owner to carry out a risk assessment for siting solar panel in parks, open spaces and other publicly accessible areas and that no further restrictions should apply.
- 3.15 The consultation paper proposes excluding permitted rights for free standing solar panels where any part of the solar panel is visible from the road in Areas of Outstanding Natural Beauty and National Parks, Conservation Areas and World Heritage sites.
- 3.16 For Areas of Special Scientific Interest or Sites of Archaeological Interest no limitations are proposed on roof mounted solar panels. Permitted development rights will apply to Listed Building unless Listed Building Consent has been

Wind Turbines

- 3.17 A number of questions are posed in the consultation paper in relation to the potential noise, health, vibration, safety, electromagnetic interference and ecology impacts of building mounted and free standing wind turbines.
- 3.18 The Department intends to await the outcome of studies on other UK wide initiatives in relation to airport safeguarding, electromagnetic interference and ecology impacts before introducing permitted development rights for this type of microgeneration development.
- 3.19 A number of limitations are discussed in the consultation paper but these may be subject to change. As a result we do not propose to discuss them in detail in this report.

Hydro

- 3.20 The Department comments in the consultation paper that the issues associated with in-stream works that are complex could have significant impacts on the ecology or visual impact on a river body. Given these difficulties the Department does not propose to introduce any permitted development rights for this form of development.
- 3.21 The Department does accept that turbine houses on land associated with hydro microgeneration proposals could have permitted development rights as long the floor area of the building is no more than 10 square metres and no more than 3 metres in height. In the case where the turbine house is proposed as an extension to a non domestic building, this is appropriate as long as the extension is no closer to the road than any part of the existing building.
- 3.22 The consultation paper proposes excluding permitted rights for hydro microgeneration development in Conservation Areas and World Heritage sites, Areas of Special Scientific Interest or Sites of Archaeological Interest.
- 3.23 Permitted development rights for turbine houses are proposed in Areas of Outstanding Natural Beauty and National Parks. Permitted development rights

Biomass and CHP

- 3.24 It is proposed that boiler houses for new solid fuel biomass and CHP boilers will have permitted development rights as long the floor area of the building is no more than 10 square metres and is no more than 3m in height. It is further proposed that extensions to existing buildings of more than 1000 square metres can be extended up to 75 square metres and as long as the extension is less than 3m in height. The boiler house in either instance must be located a minimum of 5m from any boundary of the building curtilage and no closer to any road which bounds the curtilage than the part of the existing building nearest to that road. It is also proposed that a condition for the provision of the boiler house should stipulate that the fuel is not to include product derived from animal wastes or from wood containing dangerous substances.
- 3.25 It is proposed that fuel stores for new solid fuel biomass and CHP boilers could have permitted development rights as long the floor area of the building is no more than 10 square metres and is no more than 3m in height. It is further proposed that extensions to existing buildings of more than 1000 square metres can be extended up to 75 square metres and as long as the extension is less than 3m in height. The boiler house in either instance must be located a minimum of 5m from any boundary of the building curtilage and no closer to any road which bounds the curtilage than the part of the existing building nearest to that road.
- 3.26 The Department also suggests that permitted development rights will only apply to the for the first boiler house or fuel store erected within the curtilage of the non-domestic building.
- 3.27 The installation of a flue for a new biomass or CHP system should not be more than 1m above the highest point of the existing building even if the boiler house is not attached to the building. The replacement of an existing flue that is more than 1m above the highest part of the building will be permitted provided it is installed in the same position and does not exceed the dimensions of the existing flue.
- 3.28 The consultation paper does not propose any additional limitations on permitted rights for biomass and CHP boilers, fuel stores and flues in Conservation Areas, Areas of Outstanding Natural Beauty and National Parks and World Heritage

- 3.29 In Areas of Special Scientific Interest or Sites of Archaeological Interest there will be no permitted development rights as damage could be caused to archaeology or conservation interest protected by the designation. Permitted development rights will apply to Listed Building unless Listed Building Consent has been previously granted.
- 3.30 It is proposed that permitted development rights for anaerobic digestion plants will be the same as the existing permitted development rights for agricultural buildings. This assumption is based on an assertion that these plants will be located in agricultural areas as their primary fuel is manure from dairy cattle. Entec also believe that a maximum ground area of 300 square metres is large enough to install a digester that would be economically viable.
- 3.31 An additional condition is proposed which limits permitted development such that only material generated from agricultural activities on the agricultural unit on which the plant is situated should be used.
- 3.32 The consultation paper does not propose any additional limitations on permitted rights for anaerobic digestion plants in Conservation Areas, Areas of Outstanding Natural Beauty and National Parks and World Heritage sites
- 3.33 In Areas of Special Scientific Interest or Sites of Archaeological Interest there will be no permitted development rights as damage could be caused to archaeology or conservation interest protected by the designation. Permitted development rights will apply to Listed Building unless Listed Building Consent has been previously granted.

Heat Pumps

- 3.34 Due to the perceived extent of the ground works for the pipe work required for ground source heat pumps and water source heat pumps for non-domestic buildings it is proposed that they will only be regarded as permitted development where the area of excavation does not exceed 0.5ha. Development beyond this size would be subject to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 and cannot be permitted development.

- 3.35 For the above ground elements that need to be housed in a building permitted development rights are proposed as long the floor area of the building is no more than 10 square metres and is no more than 3m in height. It is further proposed that extensions to existing buildings of more than 1000 square metres can be extended up to 75 square metres and as long as the extension is less than 3m in height. The boiler house in either instance must be located a minimum of 5m from any boundary of the building curtilage and no closer to any road which bounds the curtilage than the part of the existing building nearest to that road.
- 3.36 The consultation paper does not propose any additional limitations on permitted rights for ground source and water source heat pumps Conservation Areas, Areas of Outstanding Natural Beauty and National Parks and World Heritage sites.
- 3.37 In Areas of Special Scientific Interest or Sites of Archaeological Interest there will be no permitted development rights as damage could be caused to archaeology or conservation interest protected by the designation. Permitted development rights will apply to Listed Building unless Listed Building Consent has been previously granted.
- 3.38 The Department does not intend to introduce permitted development rights for air source heat pumps. It will await the outcome of studies on other UK wide initiatives in relation to noise impacts before introducing permitted development rights. A number of limitations are proposed but these may be subject to changes and as a result we do not propose to discuss the detail of them in this report.

Annex 1 – Draft Statutory Rule for the installation of domestic microgeneration equipment

- 3.39 The draft statutory rules for domestic dwellings are drafted on the basis of the consultation responses and the clarification requested by the Department relates mainly to microgeneration proposals in Areas of Special Scientific Interest or Sites of Archaeological Interest. These matters are minor and do not affect the general scope and form of microgeneration development within the curtilage that will enjoy permitted development rights.
- 3.40 The criteria for establishing what is permitted are broadly similar to that which is described for non-domestic development. Some of the thresholds are lower for solar panels, the storage of solid biomass fuel and heat pumps. For obvious

- 3.41 As previously commented, the Department do not intend to introduce permitted development rights at this stage for building mounted and free standing wind turbines or air source heat pumps within the curtilage of domestic dwelling houses.

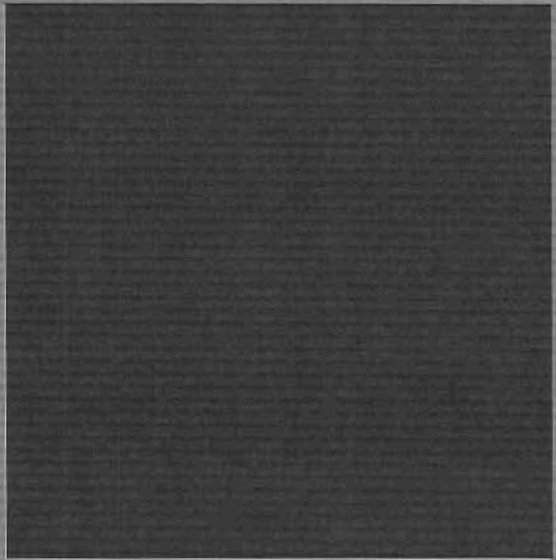
4. Conclusions and Recommendations

- 4.1 We believe that Lisburn City Council should support the concept of extending the scope of permitted development for microgeneration development within the curtilage for non-domestic land uses in line with the requirements set out in the consultation paper.
- 4.2 It is our view that the viability of some of the technologies is still untested and that they should not be brought forward in this consultation until more is known about the impacts of this development. The Council should endorse the Department's position that permitted development rights for building mounted and free standing wind turbines, in stream microgeneration development and air source heat pumps should not be brought forward until there is more certainty in terms of the impact of the proposed technologies.
- 4.3 As with other consultations we would advise that the proposals must be written consistently so that the new GDO is clear and coherent. We consider that the 'setting' of a Listed Building is protected by statute, and not just the curtilage of a Listed Buildings. We also believe that Conservation Areas are worthy of protection and that there should be limited PD within Conservation Areas as GDO Art 4 Directions are rarely used by DoE. This is why we endorse the additional protections provided for in these areas
- 4.4 No mention is made of Special Areas of Conservation (SACs) in the consultation in the discussion of 'sensitive areas' and we recommend that full consideration should be given to the full suite of sensitive areas.

Recommendation

- 4.5 It is recommended that the response attached as Appendix A is forwarded to Planning Service, by 10 January 2010, as the Council's formal response to the Consultation Paper.

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**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

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

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 the visual amenity of a location is adversely impacted by the microgeneration equipment and it does not over shadow or dominate neighboring properties

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 purpose of 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

To not allow them would necessitate an unnessecary amount of applications particularly assoicated with road signage

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

It should be time specific however. Comparative timescales from other regulations should be considered.

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

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

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

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

Very difficult to implement as the building is likely to be elevated and visible from more than one road

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

As above

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

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

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

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

There are not likely to be any other World Heritage sites outside the Giants Causeway

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

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

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?

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

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

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

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 20m² within the curtilage of a building?

Yes No

Question 30

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

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

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

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

The Department does not propose to introduce permitted development rights for building mounted wind turbines on dwellings until issues relating to noise and airport safeguarding are resolved . We assume that the same advice applies to non-domestic building and that this consultation is premature. The Council supports the need for further study and do not propose on this basis to comment on the details of the permitted development rights for building mounted wind turbines on this basis.

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 5m²?

Yes No

Question 38

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

Yes No

Question 39

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

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.

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

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

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?

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

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

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

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

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

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

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

The Department does not propose to introduce permitted development rights for free standing wind turbines within the curtilage of dwelling houses until issues relating to noise and airport safeguarding are resolved . We assume that the same advice applies to non-domestic land uses and that this consultation is premature. The Council supports the need for further study and do not propose on this basis to comment on the details of the permitted development rights for building mounted wind turbines on this basis.

Question 54

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

Yes No

Question 55

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

Question 56

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

Yes No

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

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

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

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

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

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?

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

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

Question 67

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

Yes No

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

Question 69

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

Yes No

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

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

This technology remains relatively untested

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

The only caveat is that the application for the in-stream works is likely to include the on land turbine house

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

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

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

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

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

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

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 10m² and maximum height of 3m?

Yes No

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

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

It is unlikely that more than one boiler or fuel store would be required on the site

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

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?

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

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 as agricultural buildings used for the storage of slurry are already provided for under the GDO

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

This depends on the nature of the farming activity associated with the enterprise. A cereals farmer may still choose to use an anaerobic digestion plant if surplus manure can be sourced from a neighbouring farm

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

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

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

As this consistent with the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.

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

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

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

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

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

As this consistent with the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.

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

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

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

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

Question 115

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

Yes No

The Council supports this and would not propose to comment on permitted development rights until this issue can be satisfactorily addressed

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

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

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

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

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

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

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

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

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

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

No comment as these matters are still subject to review

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

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

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