



Permitted Development Rights for Microgeneration Development

Consultation Paper

October 2009



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

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Permitted Development Rights for Microgeneration Development Consultation

1. Introduction

Microgeneration permitted development rights associated with **non-domestic land uses**

- 1.1.1 The primary purpose of this consultation document is to obtain the comments and views of the public and interested parties on the provision of permitted development rights for small scale renewable energy development (hereafter referred to as ‘microgeneration’) associated with non-domestic land uses, that is, land uses that are not associated with dwellinghouses.
- 1.1.2 Permitted development rights are provided by the Planning (General Development) Order (Northern Ireland) 1993 (S.R. 1993. No.278) (the ‘GDO’), to allow certain, often minor or non-contentious, types of development to proceed without the need for a planning application, since planning permission for them is deemed to be granted. Such rights help reduce the number of planning applications and the regulatory burden of the planning system. The exercise of those rights is subject to certain exclusions and conditions.
- 1.1.3 The provision of permitted development rights that facilitate the development of microgeneration associated with non-domestic land uses, as well as enabling minor development to proceed more quickly, will assist in meeting:
- the renewable energy target set out in the Strategic Energy Framework for Northern Ireland (DETI 2004); and
 - the requirement, under EC Directive (2001/77/EC) on electricity production from renewable energy sources to evaluate the existing legislative and regulatory framework authorising the production of electricity from renewable energy sources.

Microgeneration permitted development rights within the **curtilage of a dwellinghouse**

- 1.1.4 This section of the consultation document (see Annex 1) follows on from the previous consultation initiated by the Department of the Environment (the ‘Department’) in January 2007 regarding permitted development rights for microgeneration within the curtilage of a dwellinghouse. That consultation exercise has now been completed and consultation responses considered. A copy of the policy review, consultation paper, responses and the Department’s summary analysis can be seen on the Planning Service Website at www.planningni.gov.uk. A draft Statutory Rule providing certain permitted development rights for domestic microgeneration has been prepared and is reproduced at

Annex 1. The Department welcomes views on both the draft Statutory Rule and the previous consultation exercise and has posed a number of questions within Annex 1 to assist consideration.

How to Respond

This consultation paper comes with a number of questions in relation to the provision of permitted development rights for microgeneration. These are intended to guide your response although you do not need to answer every question and you may comment on any aspect of the consultation subject even if a question has not been included. As a reference and for your convenience the consultation questions have been listed in a Response Form which accompanies this consultation document.

All responses should be made in writing and submitted to the Department no later than **22nd January 2010** in one of the following ways:

1. By post to:

Microgeneration Permitted Development Consultation

Planning Service

3rd Floor

Millennium House

17-25 Great Victoria Street

Belfast BT2 7BN

2. By e-mail to: planning.microgenpd@doeni.gov.uk

The 'Online Response Form', which can be downloaded from the Planning Service website (www.planningni.gov.uk), can be used for this purpose, if desired.

3. By fax (marked 'Planning Microgeneration Consultation Response') to: 0289041 6960. Please note that the 'Respondent Information Form' must also be completed and 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.

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Planning Service website at www.planningni.gov.uk or requested via the postal address, e-mail or fax numbers above, or by telephone on 028 9041 6975, or by Textphone on 028 90540642. This document is available in alternative formats, please contact us to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

2. Background

- 2.1.1 Microgeneration is generally regarded as a renewable or low carbon technology with a rated output of between 45-50kW. The energy produced can be in the form of electricity or heat. For the purposes of this consultation document however the term microgeneration is for convenience only with no specific upper limit on what can be defined as microgeneration, beyond a general assumption that it refers to equipment that can generate electricity or heat primarily to address the needs of the non-domestic land use on which it is located, i.e. it is not being used for the commercial generation of electricity for sale.
- 2.1.2 This consultation paper and the supporting policy consideration document¹ has reviewed microgeneration technologies that are relatively well developed and likely to benefit quickly from amendments to permitted development rights. These technologies are solar, wind, hydro, heat pumps, biomass (including anaerobic digestion) and combined heat and power (CHP). A copy of the policy consideration document is available at www.planningni.gov.uk.
- 2.1.3 In general these technologies can be split into two main categories: those that generate electricity or heat from a renewable energy resource (such as wind, solar, hydro, heat pumps and biomass) and those that enhance the efficiency of energy generation and can generate close to the consumer (CHP). The technologies can be used to produce one, or both, of the two main forms of energy that we use - heat and electricity.
- 2.1.4 In numerical terms, the energy demands at the lower end of non-domestic land uses, such as a small corner shop could have a total energy demand similar to that of a dwellinghouse. Conversely, large industrial operations can be energy intensive and require large amounts of electricity and/or heat.
- 2.1.5 The GDO does not specifically provide permitted development rights for microgeneration equipment in non-domestic land uses. The introduction of specific permitted development rights for microgeneration technology development will help to clarify and strengthen the Department's existing legislative provision and facilitate the potential for take-up of microgeneration equipment.

Q1 Do you agree that the GDO should be amended to provide permitted development rights for microgeneration equipment in non-domestic land uses?

- 2.1.6 To assist consideration of what types of microgeneration development might be granted permitted development rights, a Report on the Review of Permitted Development for Non-domestic Small Scale Renewable Energy Development produced for the Department by ENTEC UK Ltd has been published ("the Review") alongside this consultation paper. The recommendations made in the report are those of Entec UK Ltd,

¹ Northern Ireland Planning Service Review of Permitted Development Rights for Non-domestic Small Scale Renewable Energy Development (Entec UK Ltd 2009)

not the Department. The Department will indicate its intentions when it has had an opportunity to consider the responses to this consultation by way of a 'response to consultation' document published on the Planning Service internet site.

- 2.1.7 This Review takes as its starting point that permitted development rights for non-domestic microgeneration should be at least on a par with those proposed for dwellinghouses. In light of the generally greater energy requirements of non-domestic land uses, however, proposals are made to expand non-domestic microgeneration permitted development rights beyond those proposed for dwellinghouses where it is considered that this can be done without increasing the risk of adverse impacts associated with such development.

Q2 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?

- 2.1.8 For purposes of clarity it is proposed to provide new permitted development rights for microgeneration in non-domestic land uses in a separate part within Schedule 1 to the GDO.

Q3 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?

3. Approach

- 3.1.1 The questions presented in this consultation paper will enable you to express your views on the issues and options identified in the review. This does not preclude additional comments on issues which the questions may not address. Your input is needed to enable the Department to draft new microgeneration permitted development rights for inclusion in the GDO.
- 3.1.2 To assist in completing the Response Form, the following pages provide a summary of the issues and options that may be considered when responding to each question. Further details are available in the consultant's report.
- 3.1.3 Although it requires some repetition in relation to questions asked about certain constraints, the approach in both the Review and this consultation paper is to consider each microgeneration technology in turn. Each technology section begins with an outline of the proposed permitted development rights for domestic microgeneration for comparison purposes and then details any parts of the existing GDO which are of particular relevance. The bulk of each section is concerned with non-domestic land uses and outlines the most likely impacts associated with the technology and the limitations and conditions which might be applied to permitted development rights to minimise the magnitude and/or risk of the impact.
- 3.1.4 In particular the Review makes proposals for permitted development rights that are focused on development where it is considered that the main impacts will be felt predominantly within the curtilage of the non-domestic building (or within the agricultural unit) in which it takes place. Where possible, limitations and conditions have then been attached to proposed permitted development rights so that wider impacts will either not be felt or will be relatively minimal. It is however acknowledged that some impacts, particularly visual impacts, are subjective.

Impact Assessments

- 3.1.5 A Regulatory Impact Assessment and screening documents have been prepared as part of the ongoing policy appraisal of the proposals put forward in the consultation paper. A preliminary Regulatory Impact Assessment has been prepared as a separate supporting document, the Executive Summary of which is set out in Annex 4. The full document can be seen at www.planningni.gov.uk. An Equality Impact Assessment Screening and initial Rural Proofing Screening have been undertaken and are set out in Annex 2 and 3 to this consultation paper. The Department considers that the proposals laid out in the consultation document are fully compliant with the Human Rights Act 1998.
- 3.1.6 The Department invites views and comments on whether the conclusions contained in the above assessments are correct.

4. General limits and conditions to permitted development

4.1 Use of energy produced within the curtilage of the building

4.1.1 The Department has included a general condition on all permitted development for microgeneration associated with dwellinghouses requiring that development permitted by the GDO must be primarily for the purpose of providing heat or energy for use within the curtilage of the dwellinghouse. This enables permitted development rights to be more liberal in terms, for example, of the coverage of solar panels on a dwellinghouse while removing the risk that microgeneration permitted development rights might be used to generate energy primarily for sale as a commercial venture. The view is taken that such commercial development should be subject to the scrutiny allowed by a full planning application process. The Review similarly proposes to limit permitted development in 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 such that permitted development must be primarily for the purposes of providing heat or energy for use on the agricultural unit. This will still allow any electricity produced outwith the periods when it is required by the building or land use to be fed into the grid.

Q4 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?

4.1.2 It is proposed that the limitation outlined in paragraph 4.1.1 should not apply to solar panels and wind turbines that are used to provide energy to equipment such as highway signs, railway signalling, bus shelters and other uses in remote areas and areas where connecting to the grid would be expensive or otherwise difficult. In particular, it should not apply to equipment erected to provide energy for communications and highway systems under Part 13 of the GDO or by the Roads Service of the Department for Regional Development (Part 22). Instead a condition limiting permitted development to equipment that generates energy commensurate with the needs of the device with which it is associated could be applied subject to the height and area limitations set out for solar panels and wind turbines in the Review.

Q5 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?

4.2 Disused equipment

- 4.2.1 To prevent the proliferation of redundant microgeneration devices the Review proposes, similar to the Department's proposed permitted development rights for dwellinghouses, to include a general condition for all microgeneration devices erected under permitted development rights for non-domestic land uses that such equipment must be removed as soon as reasonably practicable after it is no longer in use and, where appropriate, the land or building is restored to its condition before the development took place.

Q6 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?

5. Solar panels

5.1 Roof mounted solar panels

5.1.1 The Department is proposing that solar panels mounted on pitched roofs on dwellinghouses or buildings within the curtilage of a dwellinghouse are permitted provided that:

- the development is limited to the boundaries of the existing roof;
- the development does not exceed the highest part of the existing roof;
- the panels do not protrude more than 20cm beyond the roof plane where the roof plane faces onto and is visible from a road;
- in a Conservation Area, AONB, ASSI or National Park the development is not located on a roof that faces onto and is visible from a road; and
- the development is not within the curtilage of a listed building.

5.1.2 The Department is proposing that solar panels mounted on flat roofs on dwellinghouses or buildings within the curtilage of a dwellinghouse are permitted provided that:

- the development is limited to the boundaries of the existing roof;
- the development is no more than 1.5m in height above the plane of the roof on which it is mounted;
- in a Conservation Area, AONB, ASSI or National Park the panels are not visible from a road; and
- the development is not within the curtilage of a listed building.

Visual impact

5.1.3 The main issue identified by the Review with regard to roof mounted solar panels is their potential to impact adversely on the visual amenity of an area. The extent to which solar panels mounted on a roof might cause visual impact is dependant on a number of factors, including the amount of solar panels installed, how the panels are mounted and the extent to which they protrude from the roof.

5.1.4 In many cases the roofs of non-domestic buildings will be larger than is the case for most dwellinghouses. This could allow for far larger areas of solar panels to be installed on non-domestic buildings if permitted development is allowed up to the entire area of the existing roof. At present the amount of solar panel coverage on roofs is likely to be limited by financial constraints and it is unlikely that expansive areas of roofs will be covered by solar panels unless financial support such as grants can be gained by the developer. However, in the long term as unit costs reduce, there is some potential for large areas of solar panels to be mounted on roofs which could be installed under permitted development provided their primary purpose is to produce heat or electricity for use within the curtilage of the building on which it is mounted.

5.1.5 Despite this potential for large roof areas to be covered by solar panels under permitted development rights the Review concluded that the principal visual impact is more likely to be associated with the roof and building itself rather than solar panels mounted on them. As such, subject to the further limits set out in this section it is proposed that for non-domestic buildings permitted development rights for solar panels mounted on pitched roofs should be allowed provided they do not exceed the existing roof area.

Q7 Do you agree that permitted development for solar panels fitted to a pitched roof should be limited to the existing roof area?

5.1.6 The restrictions on solar panels mounted on pitched roofs on dwellinghouses are that the development must not exceed the highest part of the existing roof and, if the solar panels are mounted on a roof plane that faces onto and is visible from a road, may not protrude more than 20cm above the plane of the existing roof slope. These restrictions are proposed to minimise the risk of visual impact and of overshadowing neighbouring domestic properties.

5.1.7 Although there is less likelihood of solar panels in non-domestic land uses impacting on residential amenity, for example if they are in an industrial estate, there is potential for them to be mounted on buildings such as community centres and shops which may be within residential areas and they may therefore impact on visual amenity or may cause overshadowing. In light of this it is proposed that permitted development for non-domestic buildings should also be limited to the maximum height of the existing roof.

Q8 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?

5.1.8 Limiting solar panels on pitched roofs that face onto and are visible from the road to a maximum protrusion of 20cm from the roof plane will reduce the likelihood of overshadowing and visual impacts but may also mean that in these cases the angle of the solar panels cannot be inclined to an optimum angle to receive sunlight in some situations. On balance however it is proposed that to minimise the risk of overshadowing and visual impact the same restriction to permitted development for dwellinghouses should be applied to non-domestic buildings.

Q9 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?

5.1.9 The Department is proposing that solar panels mounted on flat roofs are permitted development on dwellinghouses provided they project no more than 1.5 metres above the plane of the roof. Many non-domestic buildings with a flat roof will have a larger roof area than dwellinghouses and, if the same permitted development rights are applied, should be able to erect more solar panels. This would help to satisfy the potentially greater energy requirement that larger buildings will generally have. There will be some non-domestic buildings, for example where the roof is not uniformly flat

or where there are extrusions which cause shading over much of the roof, where it may not be possible or practical to erect solar panels over the whole roof space. In such cases it would be helpful if the maximum height allowed under permitted development rights for non-domestic buildings was increased to allow more energy to be generated from each panel. The Review therefore proposes that for non-domestic buildings the maximum height for permitted development for solar panels mounted on flat roofs should be increased to 2m.

- 5.1.10 It is recognised that the increase in height allowed under this category of permitted development could cause some additional visual impacts, particularly for smaller (i.e. less tall) buildings. To limit this potential impact it is proposed that permitted development is restricted to those panels that are located a minimum of 2m from the edge of the roof. This will reduce the viewing angle for people at street level and the potential for visual impact. This restriction may also have an additional safety benefit as it could reduce the risk of any solar panels that become loose falling off the edge of the building.

Q10 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?

Q11 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?

Restrictions to permitted development in sensitive areas

- 5.1.11 Following consultation on permitted development rights for householder microgeneration, the Department proposes to exclude permitted development rights for roof mounted solar panels in Designated Areas (i.e. Conservation Areas, AONBs, ASSIs and National Parks) 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.
- 5.1.12 AONBs and National Parks (should one or more be established in Northern Ireland) are large areas and, in the majority of developments, the Review considers it unlikely that the erection of roof mounted solar panels on non-domestic buildings will have major impacts on the landscape and that there is no need to exclude completely permitted development for roof mounted solar panels in these areas. On the other hand, there are specific areas within some AONBs, such as special countryside policy areas, where the erection of a roof mounted solar panels could have an adverse visual impact on the character of the area and where this risk could be minimised to an acceptable level if permitted development rights are removed where they are mounted on a roof slope that faces onto and is visible from a road. Views are therefore invited on the options.

Q12 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

Q13 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

Q14 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?

5.1.13 In the case of Conservation Areas the erection of solar panels could impact on its character, given the generally smaller size of these areas. However if the risk of visual impacts can be limited then it seems reasonable that some form of permitted development should be allowed. The option of removing permitted development for those panels which are mounted on a roof slope that faces onto and is visible from that road should minimise the potential for visual impact in a Conservation Area and the Review therefore proposes to remove permitted development rights in these circumstances. Views are invited on the options.

Q15 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

Q16 Should permitted development rights for roof mounted solar panels in Conservation Areas be subject to the same limits that apply outside these areas?

5.1.14 There is currently only one World Heritage Site in Northern Ireland, the Giant's Causeway; however there may be potential for further sites to be declared in the future. The visual impact of development on a World Heritage Site is likely to depend on whether the site is declared for cultural or landscape reasons. To offer protection to these sites the Review proposes that permitted development rights for roof mounted solar panels should be removed in these sites for those panels which are mounted on a roof slope that faces onto and is visible from that road. Views are invited on the options.

Q17 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

Q18 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?

5.1.15 With regard to other types of sensitive areas the Review does not believe that allowing permitted development rights for roof mounted solar panels on existing buildings within ASSIs or Sites of Archaeological Interest is likely to have a significant effect on the

reasons for their designation and does not propose any further limits to permitted development rights in these areas.

Q19 Should there be any additional restrictions to permitted development rights for roof mounted solar panels in ASSIs and Sites of Archaeological Interest?

5.1.16 Following consultation on permitted development rights for householder microgeneration, the Department proposes to remove permitted development rights for solar panels installed within the curtilage of a dwellinghouse which is a listed building. The Review considers that where listed building consent would be required, i.e. to install roof mounted solar panels on the listed building or on the roofs of curtilage buildings regarded as forming part of the listed building, such protection is not needed. It therefore proposes that permitted development rights for roof mounted solar panels within the curtilage of a Listed Building would only apply where Listed Building Consent for the development has previously been granted.

Q20 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?

5.2 Wall mounted solar panels

5.2.1 The Department is proposing that solar panels mounted on the walls of dwellinghouses and within the curtilage of dwellinghouses are permitted development provided:

- the development is limited to the boundaries of the existing wall;
- where the equipment is installed on the wall of a chimney, the development does not exceed the highest part of the existing roof;
- the panels do not protrude more than 20cm from the plane of a wall when the panel is fitted to a wall within 3 metres of the boundary of the curtilage and the panel extends above 4 metres in height
- the development is not located on a wall facing onto and visible from that road in a Conservation Area, AONB, ASSI, National Park or World Heritage Site; and
- the development is not within the curtilage of a Listed Building.

Visual impact

5.2.2 As with roof mounted solar panels, the main potential impact associated with wall mounted panels is visual, principally relating to the area of the panel and how it protrudes from the wall.

5.2.3 Compared to dwellinghouses the walls of non-domestic buildings could be much larger, for example in the case of industrial units or warehouses, and therefore there could be more potential for visual impact. Conversely, the location of many non-domestic

buildings could result in less potential for visual impact if they are located away from residential areas. Given their urban context, wall mounted panels in town centres have the potential to be more visually intrusive. However as permitted development rights will apply only within the curtilage of the building this will mean that town centre shops and offices will not normally have permitted development rights where the frontage of the shop or office directly abuts a street. As such, the Review proposes to allow the same permitted development rights for non-domestic buildings as the Department proposes for dwellinghouses, namely that wall mounted solar panels should be permitted development provided they are limited to the boundaries of the existing walls, and when fitted to a wall within 3 metres of the boundary of the curtilage and the panel extends above 4 metres in height the panels do not protrude more than 20cm from the plane of a wall.

Q21 Should permitted development rights for solar panels fitted to a wall limit them to the boundaries of the existing wall area?; or

Q22 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?

Q23 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?

Restrictions to permitted development in sensitive areas

5.2.4 The Department is proposing to provide permitted development rights for wall mounted solar panels on dwellinghouses in Designated Areas except where they face onto and are visible from a road. The risks of visual impact for non-domestic buildings in Designated Areas are similar to those identified for dwellinghouses with perhaps a greater potential for impact due to the larger wall areas associated with some non-domestic buildings. As such, the Review proposes similar restrictions for non-domestic buildings in AONBs, National Parks, Conservation Areas and World Heritage Sites. With regard to ASSIs it is not proposed to limit permitted development for wall mounted solar panels as the risk of impact on nature conservation is likely to be small. Similarly it is not proposed to introduce limits to permitted development in Sites of Archaeological Interest as it is felt the risk and potential impact of panels being mounted on walls in these areas is minimal or non-existent.

Q24 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?

Q25 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?

5.2.5 For reasons already discussed in paragraph 5.1.16 in the context of roof-mounted solar panels the Review proposes that permitted development rights are only removed for wall mounted solar panels within the curtilage of a Listed Building where Listed Building Consent has not previously been granted.

Q26 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?

5.3 Free standing solar panels

5.3.1 The Department is proposing that free standing solar panels erected within the curtilage of a dwellinghouse be permitted development provided:

- that it does not result in the presence of more than one stand alone installation;
- the surface area of the solar panel installation does not exceed an area of 14m²;
- any part of the installation does not exceed 2 metres in height;
- no part of the installation is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- the development is not within the curtilage of a Listed Building.

Visual Impact

5.3.2 As with building mounted solar panels the main issue associated with free standing panels is the potential for visual impact. The proposed restriction to permitted development within the curtilage of a dwellinghouse which requires the installation to be no nearer a road than the dwellinghouse effectively restricts free standing solar panels to the existing building line or behind. Such a restriction could equally be applied in a non-domestic context to minimise the risk of visual impact.

5.3.3 However it is recognised that restricting permitted development for free standing solar panels in non-domestic land uses may limit the potential for permitted development where there would no visual impact. In particular, some non-domestic buildings such as hotels, schools or offices with large areas of open ground in front of the building would not be able to erect a free standing solar panel under permitted development rights despite there being minimal visual impact if the panels were erected some distance from a road. It is therefore proposed that in non-domestic land uses permitted development is not restricted to behind the building line but is instead restricted to a specified distance from any road which bounds the curtilage of the building. Restricting permitted development to those free standing solar panels located a minimum of 5m from the building curtilage should also be sufficient to limit visual impacts in light of the maximum height proposed in the following sections of this paper. This restriction will

also limit any potential safety hazards to within the building curtilage should the installation topple.

Q27 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?

5.3.4 The height of a free standing solar panel will have a major bearing on the potential visual impact associated with it. The free standing solar panels that were examined during the course of the Review were all less than 2m in height above the ground, although it should be noted that very few examples were found either in Northern Ireland or other parts of the UK. The Review considers that such a height combined with a 5m minimum distance to the building curtilage should reduce visual impacts to an acceptable level.

Q28 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?

5.3.5 The other major factor affecting the visual impact of free standing solar panels is the maximum surface area which is permitted. The limit for dwellinghouses of 14m² was related to the energy requirements of a typical household. For non-domestic buildings however, there could be a need for a far greater area of solar panels to provide a significant proportion of its energy requirements. The Review considered that in most cases mounting solar panels on roofs will be more likely than erecting free standing panels within building curtilages given that there is no proposed limit to the amount of panels that can be erected other than the existing roof area. It was also of the opinion that there is scope for most non-domestic buildings that wish to source large amounts of energy from solar panels to do so by erecting the panels on the roof. A slightly larger surface area could therefore be allowed under permitted development rights for free standing solar panels in non-domestic land uses given the proposed minimum distance from the building curtilage. The Review therefore proposed that a maximum area of 20m² is allowed under permitted development rights. To promote flexibility of development it suggested that this maximum surface area should be the combined area of all free standing solar panels that are erected under permitted development rights within the curtilage of a building or within an agricultural unit, i.e. more than one installation would be permitted.

Q29 Should the permitted development rights for free standing solar panels allow a maximum surface area of 20m² within the curtilage of a building?

Q30 If you consider a greater area should be allowed, please state what area and the supporting reasons.

Safety

- 5.3.6 Other considerations in relation to free standing solar panels are aircraft safety and the potential for solar panels to topple and cause harm. With regard to aircraft safety the Review noted that permitted development rights for agricultural and forestry development within 3km of an aerodrome is limited to buildings or structures that are 3m or less in height. As it has been proposed to impose a height limit of 2m for free standing solar panels in all areas no additional restrictions on height were therefore considered necessary.
- 5.3.7 Similarly with regard to toppling, the proposed maximum height of permitted development is well below the minimum distance requirement from the boundary of the property where the free standing solar panel installation is erected. Any safety issues will therefore be contained within the curtilage of the building although it is noted that free standing solar panels could be permitted development in parks, open spaces and other publicly accessible spaces. The Review considers in these cases that the risk assessment is the responsibility of the land owner/tenant and the installer of the solar panel and it is not proposed to include any further restrictions in relation to this potential impact.

Q31 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?

Restrictions to permitted development in sensitive areas

- 5.3.8 There are no proposed additional restrictions in sensitive areas upon free standing solar panels within the curtilage of a dwellinghouse. This is because the requirement that panels be located at or behind the building line and the restriction on the area of panels permitted are considered sufficient to minimise visual impacts. As the Review does not propose to apply the building line restriction to free standing solar panels in non-domestic land uses, there may be potential for visual impacts in sensitive areas. The Review therefore proposes that permitted development rights for free standing solar panels are removed in AONBs, National Parks, Conservation Areas and World Heritage Sites where a free standing solar panel installation faces onto and is visible from that road.

Q32 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?

- 5.3.9 The installation of the support structure for free standing solar panels could require some excavation of the ground. In light of this the Review proposes that permitted development rights for free standing solar panels are removed in ASSIs and SAIs.

Q33 Should permitted development rights for free standing solar panels be removed in ASSIs and Sites of Archaeological Interest?

5.3.10 As with roof and wall mounted solar panels, free standing solar panels could have an impact on the setting of Listed Buildings. The Review therefore proposes that a similar restriction to permitted development is put in place for free standing solar panels, namely that permitted development rights for free standing solar panels within the curtilage of a Listed Building are removed unless Listed Building Consent has previously been granted.

Q34 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?

6. Wind turbines

6.1 Building mounted

6.1.1 The Department does not propose to introduce permitted development rights for building mounted wind turbines on dwellinghouses until issues relating to noise and aircraft safety can be satisfactorily resolved. If permitted development rights were introduced, they could be subject to the following:

- the development is a maximum of 3m above the highest part of roof;
- the turbine blades have a maximum diameter of 2.5m;
- only one turbine is erected on a building;
- the turbine is not located on a roof or wall that faces onto a road and is visible from that road in a Conservation Area, AONB, ASSI or National Park; and
- the turbine is not mounted on a Listed Building or a building within the curtilage of a Listed Building.

Visual impact

6.1.2 One of the major issues associated with building mounted wind turbines is the potential visual impact. The main parameters that affect the visual impact of a building mounted wind turbine are related to its height, the blade diameter and the number of turbines that are erected.

6.1.3 The height of a building mounted wind turbine above the roof is one of the main factors in determining how much electricity it can produce, with the higher the turbine is above potential obstructions to the wind the more energy it produces. Increasing the height allowed under permitted development could therefore go some way to allowing non-domestic buildings to produce the greater amount of energy that they generally require when compared to dwellinghouses. Increasing the height allowed under permitted development rights however could lead to greater visual impacts that will be felt outside the curtilage of the building on which it is mounted. In light of this potential increase to visual impact the Review suggests that the maximum height for building mounted wind turbines on non-domestic buildings should not be increased beyond that proposed for dwellinghouses, i.e. 3m above the *highest* part of the roof. Although this may mean that turbines are not as efficient as they could be, it should be possible in some circumstances to erect a building mounted wind turbine that is more than 3m above the roofline at the point of the building at which it is mounted. If care is taken to site the turbine such that the prevailing wind generally reaches the turbine before the higher parts of the roof this should allow it to operate at higher rates of efficiency.

Q35 Should permitted development rights for building mounted wind turbines allow them to be a maximum of 3m above the highest point of the roof?

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- 6.1.4 Another major factor in terms of both visual impact and the amount of energy that can be produced by a turbine is the diameter of the blades, with the greater the diameter the greater the visual impact and the greater the amount of energy that can be produced. The proposed maximum diameter of 2.5m for dwellinghouses was arrived at as turbines for domestic use typically have an installed capacity of rating of up to 2.5kW with rotor diameters of vertical axis wind turbines in the 1-3.5m range.
- 6.1.5 Only two examples of building mounted wind turbines in Northern Ireland were found during the Review and both of these had blade diameters of below 2m. Although larger building mounted wind turbines are available the Review did not consider that allowing permitted development rights for larger diameter wind turbines would be appropriate at this time, principally due to the visual impact that such devices can have when sited to allow them to operate at maximum efficiency.
- 6.1.6 The Review also had some concerns with regard to the potential effects on buildings caused by the vibration of wind turbines. Although it was not considered that vibration was a matter for the planning system to address it was noted that the larger diameter machines have more potential to cause vibration than smaller diameter turbines. In light of these arguments it is proposed that building mounted wind turbines should be limited to the same maximum diameter as those for dwellinghouses, namely that they should be limited to a maximum of 2.5m diameter.

Q36 Should permitted development rights for building mounted wind turbines be for a maximum blade diameter of 2.5m?

- 6.1.7 Such a restriction on the diameter of wind turbine blades however is only applicable to horizontal axis mounted wind turbines. For vertical axis wind turbines this restriction needs to be converted to a maximum swept area to limit their perceived bulk to a similar level as that for horizontal axis wind turbines. For such building mounted wind turbines the Review proposes a restriction on permitted development rights to a maximum swept area of 5m².

Q37 Should permitted development rights for building mounted wind turbines with a vertical axis be for a maximum swept area of 5m²?

- 6.1.8 To allow further visual and other impacts to be considered through the planning application process, the Department intends to provide for only one wind turbine to be permitted development on a dwellinghouse. Allowing more turbines to be eligible for permitted development rights on non-domestic buildings would allow more energy to be produced to meet the extra energy requirements they may have. In some non-domestic situations, such as industrial estates or warehouses, the Review believes that the visual impacts of multiple turbines mounted on a building will not greatly increase the visual impact, particularly if they are located away from residential areas and roads. However the number of cases where this would be applicable is likely to be relatively small and there were some concerns that multiple wind turbines mounted on a building can lead to the wind resource for some wind turbines being utilised by its neighbours thereby reducing efficiency. For non-domestic situations which are located away from residential buildings and roads it would generally be more efficient to erect one free

standing wind turbine rather than a number of smaller building mounted wind turbines. The Review therefore proposes that only one building mounted wind turbine be erected under permitted development within the curtilage of a non-domestic building.

Q38 Should permitted development rights allow one building mounted wind turbine within the curtilage of a non-domestic building?

Q39 If you consider more than one should be allowed, please state how many and the supporting reasons.

6.1.9 The *Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999* (the EIA Regulations) has the effect of removing permitted development rights in certain situations relating to wind turbines, namely, for any development that involves the installation of more than 2 wind turbines, or if the hub height of any wind turbine is more than 15m high. A building mounted wind turbine with a blade diameter of 2.5m erected to the maximum 3m height above the highest part of the roof would have a hub height of 1.75m above the highest part of the roof. If this turbine was erected on a building of more than 13.25m high permitted development rights would not apply and the planning application would need to be accompanied by an EIA unless the Department has given a determination pursuant to Regulation 5 of the EIA Regulations that the proposed development is not EIA development. Similarly permitted development rights could not apply to more than 2 building mounted wind turbines.

Q40 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.

Noise and health

6.1.10 The Department has decided not to introduce permitted development rights for building mounted wind turbines on dwellinghouses until issues relating to noise and aircraft safety can be satisfactorily resolved. In other parts of the UK work has been undertaken to establish industry standards for microgeneration products and their installation with the aim of developing clear standards that products would be required to meet with regard to acceptable ways to measure noise and to minimise potential noise impacts associated with wind turbines. For example, the British Wind Energy Association has published *Small Wind Turbine Performance and Safety Standards* that utilise reference sound levels that allows manufacturers to rate the noise emitted by their turbines under certain conditions. The Review believes that this or similar methods can be developed that will place the onus on minimising noise impacts on manufacturers and professional installers rather than on the owner of the building or land on which a wind turbine may be erected under permitted development rights.

6.1.11 The Department considers that any exclusions, limitations and conditions applying to permitted development rights should be clear, easily understood and simple in terms of

assessing compliance for both the user and the planning authority. Overly restrictive conditions requiring a noise survey to be carried out by experts before any wind turbine could be erected under permitted development rights would not meet the objective of a simplified regulatory regime. The Department is therefore continuing to liaise with the relevant Department's elsewhere in the UK in relation to the work being carried out on industry standards and permitted development rights in order to develop a simplified regulatory regime for wind turbines.

Q41 Should permitted development rights for building mounted wind turbines be deferred until noise and air safety issues can be satisfactorily addressed?

Q42 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?

Vibration

6.1.12 The vibrations caused by some building mounted wind turbines could result in damage to the structure to which they are attached. However vibration is not considered a matter for the planning system and should instead be dealt with through turbine design and the manner in which it is mounted on a building. As such the Review concludes that vibration issues should principally be dealt with by manufacturers and installers to ensure that they are not mounted on buildings which may be susceptible to damage from vibration or which could affect the amenity of neighbours, particularly in non-detached buildings.

Q43 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?

Q44 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?

Safety

6.1.13 Building mounted wind turbines will generally be inaccessible to members of the public and should therefore pose a limited safety hazard to them. It is however recognised that there may be some instances where building mounted wind turbines could be erected in the vicinity of public open space or rights of way. Provided turbines are properly installed there should be little risk of building mounted turbines falling from buildings and causing harm to the public. However, as a precaution, the Review proposes to

remove permitted development rights for building mounted turbines that extend above public open space, roads and footpaths.

Q45 Should permitted development rights for building mounted wind turbines be removed where they extend above public open space, roads and footpaths?

6.1.14 During this review the issue of aircraft safety in relation to both building mounted and free standing wind turbines was raised as a cause for concern, principally due to the potential effects on radar. The Review noted that the existing GDO contains some height restrictions for permitted development rights for agricultural and forestry development within 3km of the perimeter of an aerodrome, in which case development must not exceed 3m in height. Limiting permitted development for wind turbines, either building mounted or free standing, to a maximum height of 3m however is likely to render them ineffective.

6.1.15 Work is currently taking place at the UK level with regard to wind turbines and radar operators to overcome the potential conflicts between aircraft safety and wind turbines. One outcome of this work will be the setting up of a website that will allow installers to ascertain if the turbine they are erecting could have an effect on aircraft safety. When this work is completed it should be possible for a trained installer to input the site and height details of a turbine to ascertain if there are any safety issues to be considered. In light of this ongoing work the Review takes the view that permitted development rights for all wind turbines should be deferred until the details of this scheme have been agreed.

Q46 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?

6.1.16 A further safety issue that has been raised in other parts of the UK is the potential for wind turbines to induce seizures in those with photosensitive epilepsy. However, to the knowledge of the consultants carrying out the Review, such an instance has never been attributed to a wind turbine and it is therefore believed that this should be addressed by wind turbine manufacturers and not by the GDO. However, should this be identified in the future as a realistic hazard, permitted development rights for wind turbines would need to be reviewed.

Q47 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?

Electromagnetic interference

6.1.17 During the course of this and previous reviews, concerns have been raised in relation to the potential for wind turbines to interfere with public broadcasting and other telecommunication systems. There is acknowledgement within the wind farm industry

that large turbines can have a localised effect on telecommunications signals but that, at least for TV signals, this can be overcome through booster signals for TV reception or by simply realigning the TV aerial such that it is pointing in a different direction. There is however no current evidence that shows small scale wind turbines, either building mounted or free standing, affects communications signals. The Department proposes to introduce guidance for dwellinghouses that sets out ways in which small wind turbines can be erected that if followed would minimise the potential detrimental impact on telecommunications systems. The Review proposes that this guidance be extended to non-domestic land uses.

Q48 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?

Ecology

6.1.18 Some concerns have been raised by stakeholders during this review regarding the potential negative impact of both building mounted and free standing wind turbines on ecology, particularly in relation to injuring or killing bats or birds that collide with the blades. The Review found little evidence to support the proposition that small scale wind turbines causing harm to birds or bats is a significant risk although the consultants acknowledged the difficulty of carrying out such investigations. In light of this lack of evidence the Review does not propose restrictions on permitted development to address ecological impacts. It proposes instead that details of best practice be included in a guidance document which sets out how wind turbines can be sited to minimise the potential impacts on birds and bats (although see also the restriction relating to ASSIs later in this paper).

Q49 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?

Restrictions to permitted development in sensitive areas

6.1.19 For building mounted wind turbines on dwellinghouses the Department is proposing to remove permitted development rights for wind turbines located on a roof or wall that faces onto a road from which it is visible in a Conservation Area, AONB, ASSI or National Park. As the size of the building mounted wind turbines allowed under permitted development rights in non-domestic land uses are proposed to be the same as those proposed for dwellinghouses the Review considers that a similar restriction in non-domestic land uses is generally appropriate. It is proposed that these restrictions should be extended further to include World Heritage Sites due to their special nature. Prime wildlife sites in Northern Ireland are generally designated ASSIs and as such may be utilised by rare or large numbers of birds or bats. As a precautionary measure the Review proposes to remove permitted development rights for building mounted wind turbines in ASSIs.

Q50 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?

Q51 Should permitted development rights for building mounted wind turbines be removed in ASSIs as a precautionary measure to protect bats and birds?

6.1.20 For dwellinghouses the Department is proposing to remove permitted development rights for building mounted wind turbines where the dwellinghouse is a Listed Building as this may adversely affect the Listed Building or its setting. Building mounted wind turbines could also adversely impact upon Listed Buildings in non-domestic situations, so the Review recommends the removal of permitted development rights within the curtilage of Listed Buildings in non-domestic land uses where Listed Building Consent has not previously been received for the development.

Q52 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?

6.2 Free standing wind turbines

6.2.1 The Department does not propose to introduce permitted development rights for free standing wind turbines within the curtilage of a dwellinghouse until issues relating to noise and aircraft safety can be satisfactorily resolved. If permitted development rights were introduced, they could be subject to the following:

- the turbine height to the blade tip does not exceed more than 3m above the highest part of the roof of the dwellinghouse with which it is associated;
- the turbine blade has a maximum diameter of 2.5m;
- the turbine is located a minimum distance of the turbine height plus 10% of the turbine height from a neighbouring curtilage or any road;
- the turbine, including any mounting structure, is no nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- only one turbine within the curtilage of a dwellinghouse is erected under permitted development rights; and
- the turbine is not located within the curtilage of a Listed Building.

Visual impact

6.2.2 Like building mounted turbines, the visual impact of free standing wind turbines is one of the key considerations in a review of permitted development rights for this microrenewable technology. For dwellinghouses, all of the conditions set out above

help to reduce the potential for visual impact, however they may not be effective in maximising the potential of wind turbines in non-domestic land uses. The conditions effectively limit the erection of free standing wind turbines under permitted development rights to those behind the building line and to a maximum of 3m above the highest point of the building. In the case of a low lying building surrounded by other buildings or trees this could reduce the effectiveness of a wind turbine. In non-domestic land uses the Review considers that there may be occasions where it is appropriate to erect a free standing wind turbine in front of the building line and to a height in excess of 3m above the highest point of the building provided the visual impacts can be addressed.

- 6.2.3 In terms of what might be an appropriate height limit for non-domestic free standing wind turbines the Review noted that the existing GDO allows the Civil Aviation Authority permitted development rights for the erection of masts up to a height of 15m. Another part of the GDO allows permitted development for plant or machinery on industrial land for the purposes of an industrial process up to a maximum of 15m above ground level. Many of the small scale free standing wind turbines available in the UK have a total height in the range of 8-20m. The maximum height of wind turbines is a factor of the height of the pole on which it is mounted and there is no reason to suppose that most small scale wind turbines cannot be accommodated such that the maximum height does not exceed 15m. It is acknowledged however that it is sometimes beneficial to mount a wind turbine higher from the ground in order for it to reach its maximum efficiency by avoiding turbulence created by surrounding buildings and trees. Nevertheless, provided further restrictions to limit the potential for visual impact are incorporated in the GDO the Review considers that a maximum height of 15m for the permitted development of free standing wind turbines represents a balanced compromise between reducing the risk of visual impact and the efficacy of wind turbines.

Q53 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?

- 6.2.4 As noted in the section relating to building mounted wind turbines the larger the diameter of the wind turbine blade the more energy it can produce. The 2.5m maximum blade diameter limit proposed for free standing (horizontal axis) wind turbines within the curtilage of a dwellinghouse would allow the erection under permitted development rights of a wind turbine with a rated peak output of 2.5kW and could produce 2.5-5MWh of electricity per year depending on the site and wind conditions. Non-domestic buildings can have energy requirements far in excess of this with, for example, small industry land uses requiring in the range of 20MWh to 499MWh of energy (electricity plus heat requirements) per year. Although it is not proposed that all, or even a substantial proportion, of these energy requirements should be able to be met by permitted development rights for free standing wind turbines, they provide one of the best opportunities to provide on-site renewable energy for non-domestic land uses. Research has found that free standing wind turbines with blade diameters of 5.5m (rated peak output of 5-6kW) were estimated to be able to produce 6-12MWh of electricity in

a year and a turbine with blade diameter 9m (rated peak output of 15kW) was estimated as having an annual output of 15-30MWh depending on conditions.

- 6.2.5 In order that free standing wind turbines can make a significant contribution to the energy requirements of non-domestic land uses while reducing the risk of visual impact the Review proposes permitted development rights for free standing horizontal axis wind turbines with a blade diameter of up to 6m.

Q54 Should permitted development rights for free standing horizontal axis wind turbines allow a blade diameter of up to 6m?

Q55 If you consider a different blade diameter is appropriate, what is it and please state your supporting reasons.

- 6.2.6 As noted for building mounted wind turbines a restriction on the diameter of wind turbine blades is only applicable to horizontal axis mounted wind turbines. For vertical axis wind turbines this restriction can be converted to a maximum swept area of 28.3m². For simplicity the Review recommends that a maximum swept area of 28m² for vertical axis wind turbines.

Q56 Should permitted development rights for free standing wind turbines with a vertical axis allow a maximum swept area of 28m²?

- 6.2.7 As noted earlier, for non-domestic land uses there may be occasions where it is appropriate to erect a free standing wind turbine in front of the building line particularly where there are large areas to the front of a non-domestic building such as a car park or grassed area. For dwellinghouses it is proposed to introduce a limit to permitted development for free standing wind turbines such that they must be located a minimum distance of the total height of the turbine plus 10% from a neighbouring curtilage or road. This also has the effect of reducing the potential visual impact from neighbouring properties and from roads that may be frequented by members of the public. For a 15m high wind turbine this would require a minimum, setback of 16.5m from a neighbouring curtilage or road. Such a setback in non-domestic land uses would serve to reduce the potential for visual impact sufficiently to remove the need for a further restriction based on the building line. For simplicity the Review recommends that this minimum distance is rounded up such that permitted development is restricted to those free standing wind turbines that are located a minimum of 17m from a neighbouring building curtilage or road.

Q57 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?

Safety

6.2.8 The consideration of radar safety and photosensitive epilepsy in the earlier section on building mounted wind turbines is equally applicable to free standing wind turbines and the Review makes similar recommendations.

Q58 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?

Q59 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?

6.2.9 The Review considers that the potential for free standing wind turbines to fall over and harm members of the public outside the curtilage is sufficiently reduced by restricting permitted development to those free standing wind turbines that are located a minimum of 17m from a neighbouring curtilage or road and it is not proposed to introduce any further measure to address this issue.

Q60 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?

6.2.10 A further safety aspect related to wind turbine blades is the potential for blades to hit someone at ground level if the blades are not located high enough from the ground. Although the Review did not consider this is a likely occurrence as turbines are generally mounted high up on poles to better harness the wind, as a precaution it is proposed to restrict permitted development rights to those turbines that are mounted such that their blade tips must be a minimum of 5m above ground level.

Q61 Should permitted development rights require that the blade tips of a free standing wind turbine must be a minimum of 5m above ground level?

Cumulative visual impacts

6.2.11 In order to address the cumulative visual impact of wind turbines within the curtilage of a dwellinghouse, the Department proposed that only one free standing wind turbine should be allowed under permitted development rights within the curtilage. The Review considers that such cumulative visual impact can also occur in many non-domestic situations and proposes that a similar restriction is put in place for free standing wind turbines erected within the curtilage of non-domestic buildings. To address the cumulative visual impact of wind turbines in the countryside the Review proposes that only one free standing wind turbine should be permitted development on an agricultural

unit, i.e. only one turbine for non-domestic purposes should be allowed per farm. Further turbines could of course be sought by way of a planning application.

Q62 Should permitted development rights for free standing wind turbines allow only one turbine within a building curtilage or on an agricultural unit?

6.2.12 The Review considers that there is also potential for cumulative visual impact from free standing wind turbines erected under permitted development rights in neighbouring properties or agricultural units. However the proposed requirement for free standing wind turbines to be located a minimum distance of 17m from a neighbouring property means there will be a minimum distance of 34m between free standing wind turbines erected under permitted development rights.

Q63 Do you agree that a separation distance of 34m between free standing wind turbines on neighbouring properties is sufficient to address cumulative visual impact?

Q64 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?

Electromagnetic interference, ecology and noise

6.2.13 The potential effects of free standing wind turbines on telecommunications systems, ecology and noise are, in essence, the same as those that were previously outlined for building mounted wind turbines. As such the Review proposes that these issues should be addressed in the same way.

Q65 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?

Q66 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?

Q67 Should permitted development rights for free standing wind turbines be deferred until noise issues can be satisfactorily addressed?

Restrictions to permitted development in sensitive areas

- 6.2.14 With the exception of development within the curtilage of a Listed Building, the Department is not currently proposing to introduce any further restrictions in sensitive areas for free standing wind turbines erected within the curtilage of a dwellinghouse. This is because it is considered that the restrictions in place on permitted development outwith sensitive areas are also sufficient to protect the special qualities of these areas. However as the permitted development rights proposed for non-domestic land uses are different in scale to those proposed for dwellinghouses some further restrictions in sensitive areas may be necessary.
- 6.2.15 To minimise the visual impacts on the landscape in an AONB or National Park the Review proposes to restrict permitted development to free standing wind turbines that are located within a certain distance of the buildings with which they are associated. A similar restriction currently exists in the GDO which allows agricultural permitted development for structures up to 12m high provided they are within 75m of the nearest part of a group of principal farm buildings. The Review considered introducing a 75m distance requirement for free standing wind turbines in AONBs and National Parks, however it considers that in most cases it should not be necessary to locate a turbine so far from the building to which it will supply electricity.
- 6.2.16 For a wind turbine to operate efficiently it is recommended that it is located either a distance of 3-10 times an obstacles height (or further if possible) from that obstacle, or that it is at least 1 to 1½ times the obstacles height. For an agricultural building with the maximum allowed permitted development height of 12m this would imply that the wind turbine should be located 36-120m away from the building or be of a height of 12-18m. As the Review proposes to allow permitted development rights for free standing wind turbines up to a maximum height of 15m, permitted development rights for free standing wind turbines in AONBS and National Parks can be required to be located within 50m of the nearest building which will utilise the electricity produced. Locating wind turbines within 50m of a building should reduce the potential for visual impact without greatly reducing the potential efficiency of the turbines.

Q68 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?

- 6.2.17 In the case of building mounted wind turbines in Conservation Areas the Review proposes to remove permitted development rights where the wall or roof on which they are mounted faces onto a road and is visible from that road. This type of restriction is not possible for free standing wind turbines as they do not 'face' any particular direction. It is also likely that a 15m high wind turbine could be visible from many parts of a Conservation Area and could detract from the reasons it was designated. In light of the difficulty in minimising the potential impact of free standing wind turbines on Conservation Areas the Review proposes to remove permitted development rights in these areas. Similarly, there is potential that a free standing wind turbine could adversely impact on the landscape or heritage reason for which a World Heritage Site is declared and it also proposes to remove permitted development rights in these areas.

Q69 Should permitted development for free standing wind turbines be removed in Conservation Areas and World Heritage Sites?

6.2.18 The Review also proposes that permitted development rights are removed for free standing wind turbines in ASSIs and Sites of Archaeological Interest as the excavation required to erect the turbine could adversely affect the ecological or archaeological value of the site in which it is located.

Q70 Should permitted development rights for free standing wind turbines be removed in ASSIs and Sites of Archaeological Interest?

6.2.19 For dwellinghouses the Department proposes to remove permitted development rights for free standing wind turbines within the curtilage of a Listed Building as this may adversely affect the setting of the Listed Building. The Review believes that this is also likely to be the case in non-domestic land uses and therefore proposes that permitted development rights should be removed within the curtilage of a Listed Building.

Q71 Should permitted development rights for free standing wind turbines within the curtilage of a Listed Building be removed?

7. Hydro

- 7.1.1 The Department does not propose to provide any permitted development rights for hydro microgeneration within the curtilage of a dwellinghouse as the technology is too variable with regard to the scale, design and the location of development.

In-stream works

- 7.1.2 The issues associated with the in-stream works involved in the development of hydro microgeneration schemes are also complex in non-domestic land uses and could potentially cause significant impacts on the ecology or impact visually on a waterbody. There are also considerable difficulties in attributing the magnitude of what type of installation should be allowed permitted development rights or which size of water body for which permitted development rights might be appropriate. In light of these difficulties the Review does not propose to introduce permitted development rights for in-stream works associated with hydro microgeneration.

Q72 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?

Turbine house

- 7.1.3 The Review believes there may be potential to allow permitted development rights for works associated with hydro microgeneration in non-domestic land uses provided they are not located in the water body. In particular it considers that permitted development rights are appropriate for a new or replacement turbine house where it is associated with an existing hydro scheme. The GDO currently provides in Part 13 Class H permitted development rights for water and sewerage undertakers to install a booster station, valve house, meter or switch-gear house for a water distribution system provided the development does not exceed 29m³ in capacity if at or above ground level. The Review believe such a quantum of development could be appropriate for a new or replacement turbine house in non-domestic land uses, however it proposes that this should be simplified such that the turbine house must have a maximum floor area of 10m² and a maximum height of 3m.
- 7.1.4 Part 8 Class A of the GDO provides permitted development rights for the extension or alteration of an industrial building or a warehouse provided that development is located a minimum of 5m from any boundary of the building curtilage. The Review believes that such a limit could also be used for turbine houses in non-domestic land uses to further minimise any potential for visual impacts. Limiting permitted development such that the turbine house should be no nearer to any road which bounds the curtilage than the part of the existing building nearest to that road would also minimise the visual impacts.

Q73 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?

Restrictions to permitted development in sensitive areas

- 7.1.5 The Review notes that in Part 13 Class H of the GDO there are no restrictions in AONBs or National Parks on permitted development for booster stations and similar development that is part of a water distribution system. As such, and in light of the other restrictions in place which will minimise the visual impact of permitted development for new or replacement turbine houses, the Review does not propose further restrictions on permitted development in AONBs or National Parks.

Q74 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?

- 7.1.6 There is the potential for a new or replacement turbine house to cause visual impact in a Conservation Area or World Heritage Site which could impact on their reason for their designation. The Review also notes that the provision of a new or replacement building may require excavation of the ground and could therefore adversely affect ASSIs and Sites of Archaeological Interest. It therefore proposes to remove permitted development rights for new or replacement turbine houses in Conservation Areas, World Heritage Sites, ASSIs and Sites of Archaeological Interest.

Q75 Should permitted development rights for new or replacement turbine houses be removed in Conservation Areas, World Heritage Sites, ASSIs and Sites of Archaeological Interest?

- 7.1.7 With regard to development within the curtilage of a Listed Building the Review considers that a new or replacement turbine house could impact on the setting of the Listed Building. It therefore proposes to remove permitted development rights within the curtilage of a Listed Building unless a Listed Building application for the same development has been approved.

Q76 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?

8. Biomass and combined heat and power plants

8.1 Biomass and CHP

8.1.1 The Department is proposing that permitted development rights for solid biomass fuel storage containers within the curtilage of a dwellinghouse are allowed provided:

- no part of the container, whether above or below ground, is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- the container has a maximum capacity of 6,500 litres;
- the development is a maximum of 3m in height; and
- an underground solid biomass fuel storage container is not within a Site of Archaeological Interest.

8.1.2 The Department is proposing that permitted development rights allow the installation, alteration or replacement of a flue forming part of a biomass heating or combined heat and power (CHP) system on a dwellinghouse provided:

- the height of the flue does not exceed 1m above the highest part of the roof; and
- in a Conservation Area, ASSI, AONB or National Park it is not installed on a wall or roof slope facing onto and visible from any road.

Boiler houses

8.1.3 The Department has not provided permitted development rights for a boiler house within the curtilage of a dwellinghouse as the relevant equipment can generally be accommodated within existing buildings or buildings permitted under Part 1 of the GDO. However, this may not be the case for non-domestic land uses and the Review therefore proposes to allow permitted development rights for such development provided potential impacts can be minimised.

8.1.4 In Part 8 of the GDO, permitted development rights currently allow the extension or alteration of an industrial building or warehouse up to a maximum of 20% of the cubic content of the original building providing that the floorspace of the original building is not exceeded by 750m². Part 13 Class C of the GDO allows the installation of an above-ground sub-station for electricity undertakers up to a volume of 40m³. Although neither of these situations is directly comparable to the installation of an extension or new building to accommodate a biomass or CHP boiler, they do provide a sense of scale of buildings that are currently allowed under permitted development for some non-domestic land uses. The Review considers that it should be possible to allow a new building or extension for a biomass or CHP boiler at the lower end of these scales for most non-domestic land uses provided further restrictions are put in place to minimise the potential for visual and other potential impacts.

8.1.5 During the course of this review the consultants found few examples of extensions or new buildings erected to allow the installation of biomass or CHP boilers. This is

unsurprising as many biomass and CHP boilers are installed as replacements to existing boilers and would therefore not require planning permission if no new building work was required or if it was erected under existing permitted development rights such as that allowed for industrial buildings. However as the Review proposes to bring together all microgeneration permitted development rights under one new part of the GDO it believes it is appropriate to include a section for new biomass and CHP boiler rooms, particularly in light of the amount of energy that can be supplied by such equipment when compared to other forms of microgeneration.

- 8.1.6 The Review concluded from an examination of biomass boiler specifications that a floorspace of 10m² and height of 3m should be sufficient to accommodate a boiler rated at 50kW. If a 50kW biomass boiler was run at close to 100% efficiency this could provide up to 438MWh of thermal energy over the course of a year. In a more realistic scenario of the biomass boiler being operational for 8000 hours per year with a load factor of 80%, 320MWh of thermal energy would be provided. This could provide a large proportion of the heat energy requirements for some less energy intensive non-domestic land uses. It is not currently economically viable to fit a biomass-CHP system into a floor area of 10m², however this could change in the future or commercial viability may not be a factor where the intention is to address environmental issues. Subject to other restrictions to minimise the risk of visual impacts the Review therefore proposes that an extension or new building to house a biomass or CHP boiler should be permitted development up to a maximum floorspace of 10m² and a maximum height of 3m.

Q77 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?

- 8.1.7 As noted in the Review paper the energy requirements of a small industrial business property are in the range of 20-499MWh of energy a year. The 10m² floorspace proposed for permitted development for new biomass boilers may provide in the region of 320MWh thermal energy per annum. Although it is recognised that more powerful biomass boilers could be installed in such a floorspace subject to maximising the design and layout of the boilers this will only provide thermal energy not electrical, and permitted development of this scale may not be able to provide a large proportion of the total (electrical and thermal) energy requirements of most small industrial buildings. The Review also recognises that current permitted development rights allow an extension or alteration of an industrial building or warehouse of up to 20% of the cubic content of the original building up to a limit of 750m³. By bringing together all permitted development rights for non-domestic microgeneration in a separate part of the GDO the Department will effectively be removing the permitted development rights of industrial buildings and warehouses to exercise their existing rights for extension and alteration of buildings to accommodate biomass and CHP systems. In light of this the Review proposes that it is appropriate, provided visual impacts can be minimised, to allow larger extensions and new buildings to accommodate biomass and CHP boilers than those which are proposed generally. However, rather than restricting these rights to just industrial and warehouse development it is proposed to allow additional permitted development rights for all non-domestic buildings with a floor space of

1,000m² or more. Although the energy demands of larger non-domestic buildings are not necessarily greater than those of small non-domestic buildings we believe it is a useful proxy that can be incorporated into the GDO. Buildings with an existing larger floor area will also be better able to absorb a larger extension without greatly increasing visual impact. In light of these arguments, and subject to further restrictions in relation to visual impacts given below, the Review proposes that for non-domestic buildings with an existing floor area of 1,000m² or more an extension or new building to house a biomass or biomass-CHP system should be permitted development up to a maximum of 75m² floor area and a maximum height of 3m. An extension of this size (not including a fuel store) should allow the installation of a 1000kW biomass boiler which could provide in the region of 6400MWh of thermal energy over a year. A 75m² floorspace will also allow the installation of a 300kW biomass-CHP system. This could provide in the region of 1200MWh electrical and 2400MWh heat energy per annum.

Q78 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?

8.1.8 The Review recognises that the proposed permitted development rights set out for new biomass and CHP boiler rooms could result in visual impacts depending on where they are located and that further restrictions are appropriate to minimise this risk. In the case of permitted development rights for biomass solid fuel storage containers within the curtilage of a dwellinghouse they may not be any nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road. Among other restrictions Part 8 of the GDO limits permitted development rights for the extension or alteration of an industrial building or a warehouse to require that the development is a minimum of 5m from any boundary of the curtilage of the premises. To protect visual amenity the Review therefore proposes a combination of these restrictions is applied to the permitted development rights for boiler houses outlined above, namely that permitted development for a new building or extension to house a biomass or CHP boiler is allowed provided the new boiler house is located a minimum of 5m from any boundary of the building curtilage and that it is not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road.

Q79 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.

8.1.9 Concern was raised during the course of the Review regarding the type of fuel that might be used in biomass boilers installed under permitted development rights with stakeholders worried about the potential health and odour impacts that could be associated with the burning of animal wastes, contaminated wood or carcasses. In light of these concerns it is proposed that a condition of permitted development rights for the

provision of a biomass boiler should stipulate that fuel is not to include products derived from animal wastes or from wood containing dangerous substances.

Q80 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?

8.1.10 The potential for disturbance caused by the generation of noise from biomass and CHP boilers was considered as part of the Review. However, the Review considered in light of the scale of biomass and CHP boilers that would benefit from permitted development rights that the noise impacts associated with them will be limited. Furthermore, the proposed restriction on permitted development rights for boiler houses such that they must be located a minimum of 5m from the curtilage boundary should help to minimise this risk.

Q81 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?

Fuel stores

8.1.11 Fuel used in biomass boilers (or combined biomass and CHP boilers) such as wood pellets or logs can require considerable amounts of storage space. The Review considered that allowing a biomass boiler to be permitted development but not allowing permitted development for a fuel store could restrict the use of biomass boilers. The Review therefore proposes that permitted development rights for biomass fuel stores subject to certain restrictions. In the case of dwellinghouses the Department proposed to provide permitted development rights for above ground solid biomass fuel storage containers up to a maximum volume of 6.5m³ and a maximum height of 3m. As energy demands in non-domestic land uses are generally greater than for dwellinghouses the Review proposes to increase this limit to a similar scale as we propose for biomass and CHP boiler houses, i.e. a maximum floorspace of 10m² and maximum height of 3m for buildings with a floorspace of up to 1000m² and a maximum floorspace of 75m² and maximum height of 3m for buildings with a floorspace of 1000m² or more. In addition permitted development rights for biomass fuel stores should 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.

Q82 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?

Q83 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?

Q84 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?

Cumulative impact

8.1.12 To prevent the cumulative impact of many extensions or new buildings associated with biomass and CHP boilers and fuel stores, the review recommends that permitted development rights apply only for the first biomass or CHP boiler house and the first biomass fuel store erected under permitted development rights within the curtilage of a building.

Q85 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?

Flues

8.1.13 For dwellinghouses the Department proposes to provide permitted development rights for the installation, alteration or replacement of a flue forming part of a biomass or CHP system provided the height of the flue does not exceed 1m above the highest part of the roof. Further restrictions include that in an AONB, National Park, Conservation Area or ASSI the flue is not permitted on a wall or roof slope facing onto and visible from any road.

8.1.14 The larger size of permitted development rights we propose for biomass and CHP boilers in non-domestic land uses may require taller chimneys to allow them to operate efficiently as the height of the flue determines the backdraft and therefore the efficiency of a biomass or CHP system.

8.1.15 In industrial and warehouse land uses Part 8 of the existing GDO permits the installation of additional or replacement machinery or structures and other apparatus to a maximum height of 15m. Part 6 of the GDO also allows the erection or extension of buildings up to 12m in height, or up to 3m within 3km of the perimeter of an aerodrome. These height limits could however result in visual impacts. To minimise these impacts yet still allow biomass and CHP systems installed under permitted development rights to operate efficiently the Review therefore proposes to limit the height allowed for flues in relation to height above the roofline as previously proposed

in this paper for building mounted wind turbines. Examples of systems examined in this report have had flues with heights of 1-3m above the roofline. The Review therefore proposes that permitted development rights for the installation of a flue forming part of a biomass or CHP system should be permitted development subject to it not exceeding 1m above the highest part of the existing roof. This will allow the installation of flues away from the highest point of the roof that are in excess of 1m but still relate the development to the overall height of the building thereby reducing visual impact.

8.1.16 This proposed restriction may however unnecessarily limit permitted development rights for buildings where an existing flue is in place for a conventional boiler but that needs to be altered or replaced to allow it to be utilised by a biomass or CHP system. As the flues in these cases already exist and may be in excess of 1m above the height of the roofline we therefore propose to allow the alteration or replacement of such flues provided it is installed in the same position and does not exceed the dimensions of the existing flue.

Q86 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?

Q87 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?

Q88 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?

Restrictions to permitted development in sensitive areas

8.1.17 The extension and erection of new buildings to contain biomass and CHP boilers and fuel stores and the installation, alteration and replacement of flues may lead to visual impacts in sensitive areas. For dwellinghouses the Department does not propose to place any additional restrictions on the permitted development rights for biomass fuel stores in most sensitive areas, the exception being within a Site of Archaeological Interest where permitted development rights are not allowed for underground solid biomass fuel storage. For the installation, alteration or replacement of a flue forming part of a biomass or CHP system on a dwellinghouse the Department intends to remove permitted development rights in an AONB, National Park, Conservation Area or ASSI where the flue is installed on a wall or roof slope facing onto and visible from any road.

8.1.18 For non-domestic buildings the Review believes there is some potential for biomass and CHP boiler houses, fuel stores and flues to have a visual impact in AONBs, National Parks, Conservation Areas and World Heritage Sites. However, the proposed restriction

on permitted development rights such that boiler houses and fuel stores must be located at least 5m from the boundary of the property and not nearer to any road which bounds the curtilage than the part of the existing building nearest to that road should serve to minimise these impacts. Similarly the restriction on permitted development rights for flues to a maximum of 1m above the highest part of the existing roof line should minimise visual impacts. On balance therefore the Review does propose to introduce further limits to permitted development rights in AONBs, National Parks, Conservation Areas and World Heritage Sites.

Q89 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?

Q90 If you do not agree, what additional restrictions do you consider would be appropriate and please state your supporting reasons?

8.1.19 The installation of boiler houses and fuel stores will generally require the excavation of ground, principally for foundations and site preparation. The Review therefore proposes that there should be no permitted development rights in ASSIs and Sites of Archaeological Interest as excavation in such areas could potentially damage the archaeological or conservation reasons for which they were designated.

Q91 Should permitted development rights for biomass and CHP boiler houses and fuel stores be removed in ASSIs and Sites of Archaeological Interest?

8.1.20 There is some potential that a biomass or CHP boiler house, fuel store or flue erected under permitted development within the curtilage of a Listed Building may not require Listed Building Consent. In line with earlier recommendations for other technologies the Review believes that to prevent damage to the setting of the Listed Building permitted development rights should be removed where Listed Building Consent has not been received for the development.

Q92 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?

8.2 Anaerobic digestion

8.2.1 The few anaerobic digestion plants that currently exist in Northern Ireland and that were examined for this paper are located within agricultural areas as their primary fuel, manure from dairy cattle, is located in these areas. Due to this factor and the potential for odour emanating from the storage of animal manure the Department does not propose to introduce permitted development rights for anaerobic digestion systems within the curtilage of a dwellinghouse.

Anaerobic digestion plants

8.2.2 Existing permitted development rights in the GDO allow the erection of buildings on agricultural land subject to a number of restrictions, including that the ground area covered must not exceed 300m². As it is proposed to contain all permitted development rights for microgeneration within a new part of the GDO, it is necessary to outline what rights are allowed for anaerobic digestion plants within this new section. From the research conducted for this review the consultants believe that an anaerobic digester of a maximum area of 300m² should be sufficient to install a digester that would be economically viable. The Review therefore proposes to utilise the form of existing permitted development rights for agricultural development in the new part proposed for microgeneration. There would be permitted development rights for anaerobic digestion plants provided that:

- the plant is located on an agricultural unit of at least 0.5 hectares in area;
- the nearest part of the plant is not more than 75m from the nearest part of a group of principal farm buildings;
- the nearest part of any plant so erected is at least 75m from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the agricultural unit);
- the ground area covered by the plant does not exceed 300m²;
- the height of any part of the plant within 3km of the perimeter of an aerodrome does not exceed 3m, or 12m in any other case; and
- any part of the development is a minimum of 24m from the nearest part of a special road, 24m from the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

Q93 Should permitted development rights be provided for anaerobic digestion plants on an agricultural unit?

Q94 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?

8.2.3 It should be noted that the additional permitted development rights for anaerobic digestion plants would not affect the exercise of existing permitted development rights under Part 6 of the GDO.

8.2.4 Concerns were expressed by some stakeholders about the potential effect of odours from anaerobic digestion plants. The Review has therefore suggested that an additional condition be applied 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. This would limit the size of anaerobic digester that will be required on most farms and means that if a farmer wishes to develop a commercial anaerobic digester operation utilising materials from other farms then a planning application will be required.

Q95 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?

Restrictions to permitted development in sensitive areas

8.2.5 The Review noted that there are no restrictions on permitted development rights for agricultural activities in Part 6 of the GDO in sensitive areas. It does not therefore propose any additional restrictions on permitted development rights for anaerobic digestion plants in AONBs, National Parks, World Heritage Sites or Conservation Areas. However it considers that some restrictions are necessary to prevent damage that may be caused by excavation required to erect plant in Sites of Archaeological Interest and Areas of Special Scientific Interest. It also proposes that permitted development rights should be removed within the curtilage of a Listed Building unless Listed Building Consent has previously been granted for the development.

Q96 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?

Q97 Should permitted development rights for anaerobic digestion plants be removed in ASSIs and Sites of Archaeological Interest?

Q98 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?

9. Heat pumps

9.1 Ground source heat pumps

9.1.1 The Department is proposing that permitted development rights for a ground source heat pump within the curtilage of a dwellinghouse stipulate that:

- where any part of the heat pump or its housing is within 3 metres of the boundary of the curtilage of the dwellinghouse it must not exceed 4 metres in height;
- any part of the heat pump or its housing must not be nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- in the case of the provision of any heat pump within the curtilage of a listed building that the heat pump or its housing above ground must not exceed 10 cubic metres;
- it is not permitted within a Site of Archaeological Interest.

Area of excavation

9.1.2 The pipework utilised by ground source heat pumps is installed underground either in shallow trenches or in deeper boreholes. In the case of dwellinghouses the area of excavation for a ground source heat pump is likely to be relatively small and is limited by the requirement that the heat it produces must only be used within the curtilage of the dwellinghouse in which it is installed. For non-domestic buildings however, the amount of heat that can be utilised in a building can be much greater and the area of excavation required could therefore be much larger. The Review notes that the EIA Regulations² requires an EIA Screening to be carried out where the Energy Industry proposes to carry out industrial installations for the production of electricity, steam and hot water on land over 0.5ha in area. Provided therefore that the area of excavation is made good, i.e. it is returned to a similar state in which it was prior to the development taking place, it is proposed that excavation for the purposes of installing the pipework needed for a ground source heat pump should be permitted development provided the area of excavation does not exceed 0.5ha.

Q99 Should permitted development rights be provided for ground source heat pumps in non-domestic land uses, subject to appropriate restrictions?

Q100 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?

² Statutory Rule 1999 No.73 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999

Above ground elements

9.1.3 A ground source heat pump will generally require the installation of above ground elements, such as a control unit. In many cases this ancillary development is likely to be installed within the building that is to be heated by the pump, however where there is not enough room within the existing building it may be necessary to erect an extension or kiosk to house such development. As this development is needed to allow the operation of the heat pump the Review believes that in principle it should be permitted development but recognises that there is a requirement to restrict the size and location of such development. The size of the control panel is likely to be related to the amount of pipework and the size of the building which it heats. The principle of such development is similar to that set out previously for biomass boiler houses. The impacts, principally visual, are also likely to be similar. In light of these similarities the Review proposes to introduce similar limits upon permitted development rights for the above ground elements of ground source heat pumps, namely that for buildings with a floorspace of less than 1000m² permitted development rights the kiosk or extension should not exceed a floor area of 10m² and a height of 3m. For those buildings with a floorspace of 1000m² or more the kiosk or extension should not exceed a floor area of 75m² and a height of 3m. For any above ground development necessary for the operation of a ground source heat pump permitted development would also be restricted to those elements that are located a minimum of 5m from the boundary of the building curtilage and from any road, and should not be located nearer to any road that bounds the curtilage than that part of the existing building nearest to that road.

Q101 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?

Q102 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?

Q103 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?

Restrictions to permitted development in sensitive areas

9.1.4 With regard to AONBs, National Parks, World Heritage Sites, Conservation Areas and Listed Buildings the underground aspects of ground source heat pumps are unlikely to have any effect on the reason for their designation as they will not be seen. The above ground elements of ground source heat pumps that are located in sensitive areas do have

some potential for visual impact. However, the Review considers that in most of these areas other restrictions that have already been proposed will minimise the potential for visual impact. In light of this it is not proposed to restrict permitted development rights for the above ground elements of a ground source heat pump in AONBs, National Parks, Conservation Areas or World Heritage Sites.

Q104 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?

- 9.1.5 The Department intends to remove permitted development rights for ground source heat pumps within the curtilage of a dwellinghouse where they are located within a Site of Archaeological Interest. The Review proposes to include a similar restriction within non-domestic land uses and to extend this restriction to cover ASSIs as the excavation required to install pipework or the excavation necessary to erect a building or extension as these types of development could impact on both ASSIs and Sites of Archaeological Interest.

Q105 Should permitted development rights for ground source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

- 9.1.6 The Review considers that there is also some potential for the above ground elements of a ground source heat pump to have an adverse effect on the setting of a Listed Building. In line with earlier recommendations for other technologies the Review believes that to address potential impacts upon the setting of the Listed Building, permitted development rights should be removed where Listed Building Consent has not been received for the development.

Q106 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?

9.2 Water source heat pumps

- 9.2.1 The restrictions proposed by the Department upon permitted development rights for water source heat pumps within the curtilage of a dwellinghouse are the same as those for ground source heat pumps.

Area of pipework

- 9.2.2 Although the Review does not propose to introduce restrictions on the permitted development rights for water source heat pumps apart from the general conditions associated with all microgeneration equipment it recognises that the heating requirements of some non-domestic buildings could lead to large areas of pipework being installed in waterbodies.

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- 9.2.3 The consultants did not encounter any water source heat pumps that have been installed in Northern Ireland during the course of the review and do not anticipate that there will be a large number being installed in the immediate future. Despite this however the Review considers that as a precaution the area of pipework that can be installed under permitted development rights should be limited in order to minimise potential impacts on the water quality and ecology of waterbodies. With no examples of water source heat pumps in Northern Ireland to use as a guide as to what limit might be appropriate the Review proposes to utilise the restrictions proposed for pipework associated with ground source heat pumps, i.e. pipework should cover a maximum area of 0.5ha, and invite comments from stakeholders as to whether this is appropriate.

Q107 Should permitted development rights be provided for water source heat pumps in non-domestic land uses subject to appropriate restrictions?

Q108 Should permitted development rights for water source heat pumps be restricted to those where the pipework does not exceed an area of 0.5ha?

Above ground elements

- 9.2.4 As with ground source heat pumps, water source heat pumps will generally require the installation of above ground elements, e.g. a control unit, as well as pipework. Due to the similarities in the likely impacts that may be associated with these developments the Review proposes that similar restrictions to permitted development rights should be applied. It recommends that the above ground elements of water source heat pumps should be permitted development provided the extension or new building does not exceed 3m in height, is located a minimum of 5m from the boundary of the building curtilage or any classified highway and should not be nearer to any road which bounds the curtilage than the part of the existing building nearest that road. It proposes restricting the maximum area of such a building or extension to 10m² where the development is within the curtilage of a building with floorspace up to 1000m². Where the development is within the curtilage of a building with a floorspace of 1000m² or more it proposes restricting permitted development rights for an extension or new building to house the above ground equipment necessary for the operation of a water source heat pump to a maximum floor area of 75m².

Q109 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?

Q110 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?

Q111 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?

Restrictions to permitted development in sensitive areas

9.2.5 The potential impacts associated with water source heat pumps located in sensitive areas are very similar to those associated with ground source heat pumps. Although the potential impacts on ASSIs or Sites of Archaeological Interest would be associated with a waterbody, the restrictions previously recommended for ground source heat pumps are still applicable. It is therefore recommended that permitted development rights should be removed for water source heat pumps located within an ASSI and Site of Archaeological Interest and that within the curtilage of a Listed Building permitted development rights should be removed where Listed Building Consent has not been received for the development.

Q112 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?

Q113 Should permitted development rights for water source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

Q114 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?

9.3 Air source heat pumps

9.3.1 The Department does not propose to introduce permitted development rights for air source heat pumps within the curtilage of a dwellinghouse until noise issues are satisfactorily addressed. If permitted development rights were introduced, they could be subject to the following:

- no part of the air source heat pump to be located nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- if the heat pump is within 3m of the boundary of the curtilage of the dwellinghouse it must not exceed 4m in height;
- in an AONB, National Park, Conservation Area or ASSI it must not face onto and be visible from any road; and
- it must not exceed a volume of 10m³ if it is located within the curtilage of a Listed Building.

Noise

- 9.3.2 The potential for noise associated with air source heat pumps to impact on neighbouring properties was identified in the domestic consultation as one of the main factors that needed to be resolved before permitted development rights should be allowed. Ways of resolving potential noise impacts associated with air source heat pumps are currently being formulated on other parts of the UK and the Department is therefore continuing to liaise with the relevant Department's elsewhere in the UK in relation to the work being carried out on industry standards and permitted development rights in order to develop a simplified regulatory regime for both air source heat pumps and wind turbines.
- 9.3.3 As with the approach to noise impacts that could be associated with wind turbines the Review proposes that any restrictions to permitted development rights due to noise for air source heat pumps should be clear, easily understood and simple in terms of assessing compliance. Restrictions to permitted development rights that require a noise survey to be carried out by experts would not meet the objective of a simplified regulatory regime.

Q115 Should permitted development rights for air source heat pumps be deferred until noise issues can be satisfactorily addressed?

Q116 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?

Visual impact

- 9.3.4 The Department is not proposing to specifically limit the size of air source heat pumps that can be installed under permitted development rights on dwellinghouses or within the curtilage unless the heat pump is within 3m of the boundary of the curtilage of a dwellinghouse or is within the curtilage of a dwellinghouse that is a Listed Building. In other cases the heat pump will be limited by the requirement that the energy it produces should be primarily for use within the curtilage of the dwellinghouse, i.e. commensurate with the needs of the dwellinghouse. However, energy needs for non-domestic buildings could be such that a large air source heat pump with the potential to cause visual impacts could be permitted development unless further restrictions are put in place. Examination of case studies by the Review did not uncover any examples of air source heat pumps that could provide a substantial proportion of the heat requirements for more energy intensive non-domestic buildings with the largest example, comprising 3 air source heat pumps with a combined volume of 1m³, being rated at 28kW. Despite this lack of examples in Northern Ireland, there is no reason that larger air source heat pumps or a combination of smaller pumps cannot be installed on or within the curtilage of non-domestic buildings. As air source heat pumps will have similar visual impacts to those associated with buildings or extensions that contain biomass and CHP boilers the Review proposes to utilise similar restrictions to permitted development rights, but also proposes to limit air source heat pumps permitted by volume as they may not necessarily be located on the ground. In the case of buildings with a floorspace of up to 1000m² this would restrict permitted development rights for an air source heat pump

with a maximum volume of 30m³. For buildings with a floorspace of 1000m² or more this would allow a maximum volume of 225m³, however given the higher potential for visual impact the Department proposes to limit permitted development for such buildings to 75m³. In addition, air source heat pumps would be required to be 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.

Q117 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?

Q118 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?

Q119 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?

9.3.5 To further reduce the potential for visual impacts the Review propose that permitted development rights for air source heat pumps should require that they do not exceed the height of the existing building.

Q120 Should permitted development rights for air source heat pumps require that they do not exceed the height of the existing building?

Restrictions to permitted development in sensitive areas

9.3.6 The Department has proposed that permitted development rights for air source heat pumps for dwellinghouses should be restricted such that any external element of the heat pump should not face onto and be visible from a road in an AONB, National Park, Conservation Area or ASSI. The Review recognises that permitted development rights for air source heat pumps for non-domestic buildings in sensitive areas could have a negative impact on them. However, as with the restrictions proposed in sensitive areas for biomass and CHP boilers the Review does not believe there is a requirement for further restrictions in AONBs or National Parks.

Q121 Do you agree that there should be no additional restrictions on permitted development rights for air source heat pumps within AONBs or National Parks?

9.3.7 Given the smaller scale of Conservation Areas and World Heritage Sites the Review proposes to further restrict permitted development in these areas by removing permitted development rights for air source heat pumps in these areas 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 it is visible from that road.

Q122 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?

9.3.8 As with ground and water source heat pumps the Review proposes to remove permitted development rights for air source heat pumps in ASSIs and Sites of Archaeological Interest as there is potential for excavation of the ground which could have a negative impact on such sites.

Q123 Should permitted development rights for air source heat pumps be removed in ASSIs and Sites of Archaeological Interest?

9.3.9 As with the recommendations for other technologies in this paper the Review recognises that there is some potential for air source heat pumps to impact on the setting of a Listed Building and therefore proposes to remove such rights unless Listed Building Consent for the development has previously been granted.

Q124 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?

Questions in relation to domestic microgeneration permitted development

The Department undertook a public consultation on permitted development rights for microgeneration within the curtilage of a dwellinghouse in 2007 and the draft statutory rule appended below reflects those permitted development rights that the Department proposed to adopt following that earlier consultation. In addition the domestic small scale renewable energy permitted development rights consultation paper, copies of the responses and a summary analysis can be found on the Planning Service website at www.planningni.gov.uk. The Department has now decided to air those proposals as part of this current consultation exercise before bringing forward new permitted development rights for both domestic and non-domestic microgeneration. The questions which follow deal with a number of original proposals for domestic microgeneration permitted development reviewed in light of the consultant's policy review report on non-domestic microgeneration permitted development.

SOLAR PANELS

The domestic microgeneration permitted development review proposed that, within Areas of Special Scientific Interest "ASSIs", permitted development rights for domestic roof mounted solar panels should not be permitted where the roof on which they are fitted faces onto and is visible from a road (an ASSI forms part of the "designated area" concept set out in the domestic consultation). However the non-domestic policy review did not believe that allowing permitted development rights for roof-mounted panels within ASSIs was likely to have a significant effect on the reasons for their designation and did not propose any further limits to permitted development rights in these areas.

- Q1) 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?**

The same considerations associated with Q1 above apply to wall mounted solar panels as they apply to roof mounted panels.

- Q2) 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?**

The non-domestic policy review proposed that because the installation of the support structure for free-standing solar panels could require some excavation of the ground, permitted development rights for free-standing solar panels should be removed in ASSIs and in Sites of

Archaeological Interest (“SAIs”) given their likely sensitivity to adverse impact through excavation.. However, no such constraint was recommended in the context of free-standing solar panels within the curtilage of a dwellinghouse.

- Q3) Should permitted development rights for free standing solar panels within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?**

BIOMASS FUEL CONTAINERS

The installation of fuel stores will generally require the excavation of ground, principally for foundations and site preparation. The non domestic policy review proposes that there should be no permitted development rights in ASSIs or SAIs for this type of development as excavation in such areas could potentially damage the archaeological or conservation reasons for which they were designated. No proposals to restrict smaller solid biomass fuel containers (rather than fuel store buildings) were put forward for householder permitted development because it was felt that the installation of fuel containers of 6,500 litres or less would not entail any significant excavation.

- Q4) Should permitted development rights for biomass fuel containers within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?**

WIND TURBINES

For building mounted wind turbines on dwellinghouses the Department proposed to remove permitted development rights on a roof or wall that faces onto a road from which it is visible in a certain designated areas including ASSIs. The non-domestic microgeneration policy review took a different approach proposing that permitted development rights for building mounted turbines be completely removed in ASSIs as a precautionary measure to protect bird and bat species generally.

- Q5) Should permitted development rights for building mounted wind turbines on dwellinghouses in ASSIs be removed as a precautionary measure to protect bats and birds?**

The non-domestic policy review proposes that permitted development rights are removed for free standing wind turbines in ASSIs and in SAIs as the excavation required to erect the turbine could adversely affect the ecological or archaeological value of the site in which it is located. The domestic policy review did not propose removal.

-
- Q6) Should permitted development rights for free standing wind turbines within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?**

FLUES

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

- Q7) Should restriction 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?**

HEAT PUMPS

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

- Q8) Should permitted development rights for ground source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?**

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

- Q9) Should permitted development rights for water source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?**

As with ground and water source heat pumps the non domestic Review proposes to remove permitted development rights for air source heat pumps in ASSIs and SAIs as there is potential for excavation of the ground which could have a negative impact on such sites. The domestic microgeneration permitted development review only proposed removing these permitted development rights in circumstances where the heat pump faced onto and was visible from a road.

Q10) Should permitted development rights for air source heat pumps within the curtilage of a dwellinghouse in ASSIs and Sites of Archaeological Interest be removed?

DRAFT STATUTORY RULE

STATUTORY RULES OF NORTHERN IRELAND

No.

PLANNING

**THE PLANNING (GENERAL DEVELOPMENT)
(AMENDMENT) ORDER (NORTHERN IRELAND)**

Made - - - - - ***

Coming into operation - - - - - ***

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991⁽³⁾ makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2008 and shall come into operation on xxx xxxx 2008.

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

2.— (1) The Planning (General Development) Order (Northern Ireland) 1993⁽⁴⁾ shall be amended in accordance with paragraphs (2) and (3).

(2) In Article 2(1) (interpretation)—

- (a) in the definition of “area of special scientific interest” for “Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985” substitute “Article 28 of the Environment (Northern Ireland) Order 2002⁽⁵⁾”;
- (b) for the definition of “designated area” substitute—
 - ““designated area” means—
 - (a) a conservation area;
 - (b) an area of outstanding natural beauty;
 - (c) an area of special scientific interest;
 - (d) a National Park;
 - (e) a World Heritage Site;”;
- (c) after the definition of “liquefied petroleum gas” insert—

⁽³⁾ S.I. 1991/1220 (N.I. 11) to which there are amendments not relevant to this Order

⁽⁴⁾ S.R. 1993 No. 278; the relevant amendment is S.R. 2006 No. 348

⁽⁵⁾ S.I. 2002/3153 (N.I.7)

DRAFT STATUTORY RULE

“microgeneration” means the use for the generation of electricity or the production of heat of any plant—

- (a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on biomass, biofuels, fuel cells, photovoltaics, water (including waves and tides), wind, solar power, geothermal sources, combined heat and power systems and other sources of energy and technologies for the generation of electricity or the production of heat and
 - (b) the capacity of which—
 - (i) to generate electricity, does not exceed 50 kilowatts;
 - (ii) to produce heat, does not exceed 45 kilowatts thermal;”;
 - (d) in the definition of “the Use Classes Order” for “.” substitute “; and”; and
 - (e) after the definition of “the Use Classes Order” insert—

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage.”.
- (3) In Schedule 1 (development permitted under Article 3) after Part 1 (development within the curtilage of a dwellinghouse) insert—

“PART 1A

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A Permitted development	A.	The installation, alteration or replacement of solar PV or solar thermal equipment on the roof of— <ul style="list-style-type: none"> (a) a dwellinghouse; or (b) any building within the curtilage of a dwellinghouse.
<i>Development not permitted</i>	A.1	Development is not permitted by Class A if— <ul style="list-style-type: none"> (a) any part of the solar PV or solar thermal equipment extends more than 20 centimetres beyond the plane of any existing roof slope which faces onto and is visible from any road; (b) any part of the solar PV or solar thermal equipment exceeds— <ul style="list-style-type: none"> (i) the height of the highest part of any existing ridged roof; or (ii) 1.5 metres above the plane of any flat roof; (c) in the case of solar PV or solar thermal equipment installed in a designated area—

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		<ul style="list-style-type: none"> (i) the roof slope to which they are fitted faces onto and is visible from any road; or (ii) any part of the solar PV or solar thermal equipment fitted to a flat roof is visible from any road; (d) any part of the solar PV or solar thermal equipment extends beyond the edge of the existing roof; or (e) the solar PV or solar thermal equipment would be installed within the curtilage of a dwellinghouse which is a listed building unless Listed Building Consent for the development has previously been granted.
Conditions	A.2	<p>Development is permitted by Class A subject to the following conditions—</p> <ul style="list-style-type: none"> (a) the primary purpose of the solar PV or solar thermal equipment is to provide heat or energy for use within the curtilage of the dwellinghouse; and (b) any solar PV or solar thermal equipment no longer used to provide heat or energy shall be removed as soon as reasonably practicable.
Class B Permitted development	B.	<p>The installation, alteration or replacement of solar PV or solar thermal equipment on—</p> <ul style="list-style-type: none"> (a) the wall of a dwellinghouse; (b) the wall of any building within the curtilage of a dwellinghouse; or (c) any wall within the curtilage of a dwellinghouse.
<i>Development not permitted</i>	B.1	<p>Development is not permitted by Class B if—</p> <ul style="list-style-type: none"> (a) any part of the solar PV or solar thermal equipment installed within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeding 4 metres in height extends more than 20 centimetres

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		beyond the plane of the wall;
		(b) any part of the solar PV or solar thermal equipment installed extends beyond the boundary of the wall;
		(c) for Class B(a) or (b) development, any part of the solar PV or solar thermal equipment installed on the wall of a chimney exceeds the height of the highest part of the roof;
		(d) in the case of solar PV or solar thermal equipment installed on a wall within a designated area the wall faces onto and is visible from any road; or
		(e) the solar PV or solar thermal equipment would be installed within the curtilage of a dwellinghouse which is a listed building unless Listed Building Consent for the development has previously been granted.
Conditions	B.2	Development is permitted by Class B subject to the following conditions—
		(a) the primary purpose of the solar PV or solar thermal equipment is to provide heat or energy for use within the curtilage of the dwellinghouse; and
		(b) any solar PV or solar thermal equipment no longer used to provide heat or energy shall be removed as soon as reasonably practicable.
Class C Permitted development	C.	The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse.
<i>Development not permitted</i>	C.1	Development is not permitted by Class C if—
		(a) it would result in the presence within the curtilage of more than one stand alone solar;
		(b) the area of the stand alone solar exceeds 14 square metres;

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		<ul style="list-style-type: none"> (c) any part of the stand alone solar exceeds 2 metres in height; (d) any part of the stand alone solar is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road; or (e) the stand alone solar is situated within the curtilage of a listed building unless Listed Building Consent for the development has previously been granted.
Conditions	C.2	<p>Development is permitted by Class C subject to the following conditions—</p> <ul style="list-style-type: none"> (a) the primary purpose of the stand alone solar is to provide heat or energy for use within the curtilage of the dwellinghouse; and (b) any stand alone solar no longer used to provide heat or energy shall be removed as soon as reasonably practicable.
Class D Permitted development	D.	The erection or provision, within the curtilage of a dwellinghouse, of a container for the storage of solid biomass fuel.
<i>Development not permitted</i>	D.1	<p>Development is not permitted by Class D if—</p> <ul style="list-style-type: none"> (a) in the case of the erection or provision of an above ground container— <ul style="list-style-type: none"> (i) the capacity of the container exceeds 6,500 litres; or (ii) any part of the container is more than 3 metres above ground level; (b) any part of the container is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road; or (c) it would involve the erection or provision of a below ground container within a site of archaeological interest.

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Conditions	D.2	Development is permitted by Class D subject to the following conditions— <ul style="list-style-type: none"> (a) the biomass fuel stored is used to provide heat for use within the curtilage of the dwellinghouse; and (b) any container provided under this class, no longer used for the storage of biomass fuel shall be removed as soon as reasonably practicable.
Class E Permitted development	E.	The installation, alteration or replacement of a flue, forming part of a biomass heating system, or a combined heat and power system, on a dwellinghouse.
<i>Development not permitted</i>	E.1	Development is not permitted by Class E if— <ul style="list-style-type: none"> (a) the height of the flue would exceed the highest part of the roof by more than one metre; or (b) in the case of a flue installed within a designated area the flue would be installed on a wall or roof slope facing onto and visible from any road.
Condition	E.2	Development is permitted by this Class subject to the condition that a flue no longer used as part of a biomass heating system or a combined heat and power system shall be removed as soon as reasonably practicable.
Class F Permitted development	F.	The installation, alteration or replacement of a ground or water source heat pump within the curtilage of a dwellinghouse.
<i>Development not permitted</i>	F.1	Development is not permitted by Class F if— <ul style="list-style-type: none"> (a) any part of the heat pump or its housing is within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeds 4 metres in height; (b) any part of the heat pump or its

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		housing is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
		(c) it involves the provision of a ground source heat pump within a site of archaeological interest; or
		(d) in the case of the provision of any heat pump within the curtilage of a listed building that heat pump or its housing above ground exceeds 10 cubic metres.
Conditions	F.2	Development is permitted by Class F subject to the following conditions—
		(a) the heat pump is used to provide heat for use within the curtilage of the dwellinghouse; and
		(b) when no longer used to provide heat it shall be removed as soon as reasonably practicable.
Interpretation of Part 1A	F.	For the purposes of Part 1A—
		“solar PV” means solar photovoltaics;
		“stand alone solar” means solar PV or solar thermal equipment which is not installed on a building.”

Sealed with the Official Seal of the Department of the Environment on ***



A senior officer of the Department of the Environment

DRAFT STATUTORY RULE**EXPLANATORY NOTE**

(This note is not part of the Order)

This Order makes the following amendments to the Planning (General Development) Order 1993—

Article 2 (interpretation) is amended to include definitions of “microgeneration” and “World Heritage Site”. The definitions of “area of special scientific interest” and “designated area” are also amended;

Article 2(3) inserts new Part 1A (installation of domestic microgeneration equipment) into Schedule 1 (development permitted under Article 3). It provides permitted development rights for the installation of specified types of microgeneration equipment including solar panels, biomass fuel storage and ground and water source heat pumps subject to certain exclusions and limitations.

DOE SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

Section 1

Introduction

This form is intended to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for consultation on the outcome of the screening exercise and will be referenced in the Annual Report to the Equality Commission. Copies of completed forms should be retained on file within business areas **(and a copy sent to the Equality Unit)** and reference should be made to the outcome of the screening exercise and subsequent consultation in any submission made to the Minister.

Background

The Legal Background

Under section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The main groups within each of the nine categories, highlighted above, are identified at Appendix 1.

In addition, without prejudice to its obligations above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Advice on Completion of the Screening Form

It is important that the screening form is completed carefully and thoughtfully. Your Divisional or Agency Equality Officer and the Department's Equality Unit in room 413A Clarence Court will be happy to assist with all aspects of the screening process and will help with the completion of the form, if required.

Further advice on the screening process can be accessed at Section 4 of the Equality Commission's Guide to the Statutory Duties.

Policies included for EQIA

If, after screening, it is decided that a policy will require a full EQIA, a decision will be required on the priority and timing of the assessment. The screening form should be noted accordingly, signed off and copied to the Equality Unit for inclusion in the EQIA programme.

Policies excluded for EQIA

If a decision is taken to screen out the policy or where there is ambiguity about the equality implication of the proposal, the screening form should be signed off by a senior officer responsible for the policy and a copy sent to the Equality Unit. Copies of all screening out forms will be placed on the Department's website.

Section 2 – Policy to be Screened**Definition of Policy**

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider changes to or any new initiatives, proposals, schemes or programmes as policies. The policies covered in the Equality Scheme EQIA programme are a reasonable guide both to the nature of external departmental policies and the level at which they should be considered.

The revised Guidance from The Equality Commission emphasises that the Statutory duties apply to **internal** policies (relating to people who work for the organisation) as well as **external** policies (relating to those who are, or could be, served by the organisations).

It is important to remember that even if a full EQIA has been carried out in respect of an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

OFMDFM Guidance on Legislative Procedures (Primary and Subordinate) sets out clearly the stages at which equality of opportunity considerations should be taken into consideration in the development of legislation.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and well defined. You must take into account any available data or evidence that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories. Evidence may be qualitative and or quantitative and may include research or internal information and or experience in relation to service and customer monitoring exercises. Where appropriate, arrangements should be made to obtain any data necessary to assist screening. The Equality Unit or Central Statistics & Research Branch are available to provide advice on data requirements.

2.1 Please insert below a brief description of the policy/legislation, including the title and all the main aims and objectives

Title	Review of Permitted Development Rights for Small Scale Renewable Energy Development (both domestic and non-domestic)
Aims	<p>This policy is aimed at extending permitted development rights (PDR) to cover the installation of microgeneration renewable energy devices. This means that potential applicants would not have to apply for planning permission to install approved devices. The removal of administrative burdens associated with planning applications may increase uptake of these technology types.</p> <p>The policy is designed to address the following aims:</p> <ul style="list-style-type: none"> - Contribute to reductions in greenhouse gas (GHG) emissions; - Increase security in energy supply - Reduce costs to applicants by the removal of the administrative burden associated with planning applications

It is essential that all the aims/objectives of the policy be clearly and fully defined.

2.2 On whom will the policies/legislation impact? Please specify

The policy will impact on potential domestic and non-domestic users of the renewable energy devices. This could include a wide range of users including occupiers of dwellinghouses, businesses, community organisations, government departments, statutory agencies, schools etc. In addition the policy may have an impact on manufacturers and installers of the microgeneration technologies.

2.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

- (a) (a) Department of the Environment is responsible for devising the policy and bringing forward proposed changes to Permitted Development Rights to the NI Assembly.
- (b) (b) The proposed changes will be implemented by the new District Councils when planning functions are transferred to them.

2.4 What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?

There are linkages with the Department of Enterprise, Trade and Industry which leads on renewable energy matters. There are also indirect linkages to a number of other government departments where the installation of microgeneration renewable energy devices is beneficial to the sectors aligned to departmental responsibilities, including, for example, agriculture, universities and schools and water

utilities.

2.5 What data are available to facilitate the screening of this policy/ legislation?

Review of Permitted Development Rights for Small Scale Renewable Energy Development, Policy Consideration, Entec, 2009.

Review of Permitted Development Rights for Small Scale Energy Development, Policy Consideration, DOE, 2007.

Microgeneration Permitted Development Rights – Consultation Document, DOE, 2007.

Regulatory Impact Assessment for Review of Permitted Development Rights for Non-Domestic Microgeneration, Entec, 2009.

Regulatory Impact Assessment for Review of Permitted Development Rights within the Curtilage of Dwellinghouses, DOE, 2007

2.6 Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.

No additional data is foreseen to be necessary to facilitate the screening process. No issues relating to equality or any of the Section 75 groups were raised or identified at any point in the consultations undertaken as part of the policy review.

See Appendix 4 of the Equality Commission Practical Guidance on EQIA which provides a list of Sources of S75 data or speak to Central Statistics and Research Branch .

Section 3 – Screening Analysis

In cases where there is no available quantitative evidence, you will need to take a pragmatic, common sense judgement as to whether the policy/legislation you are screening may have a particular/differential impact on any of the groups. Discussions with Equality Unit, Statistics Branch and organisations representing the Section 75 Groups will be important and helpful at this stage in obtaining qualitative evidence of impacts. Every effort should be made to ensure that assessments are evidence based.

The following criteria must be considered when screening.

3.1 Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

Please give details

The research and policy assessments leading to the proposed extensions to PDR have not indicated any evidence of higher or lower uptake of renewable energy technologies by any of the Section 75 groups.

3.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No

Dependants		No
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Please give details

The research and policy assessment leading to the proposed extensions to PDR have not indicated any to be restrictive to any of the Section 75 groups.

3.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

	Yes	No
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Gender		No
Disability		No
Dependants		No

Please give details of any consultations carried out, and any problems identified.

A stakeholder workshop was held in Belfast on 24 June 2008 attended by 22 stakeholders including representatives from the microgeneration industry, the planning profession and environmental and heritage organisations. In addition to this workshop, interviews were conducted with other stakeholders such as installers and landowners and a public consultation exercise was carried out in 2007 specific to domestic microgeneration permitted development. None of these indicated that the proposed PDRs will create problems for any of the section 75 groups.

3.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

Yes

No**Please give details**

The revised permitted development rights will apply equally to all persons. An opportunity to better promote equality of opportunity or

community relations has not emerged from the policy review carried out.

- 3.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:**

The policy reviews have not indicated any negative impacts on section 75 groups nor have any existing or historical inequality of disadvantage been identified and consequently the proposed PDRs are not expected to have any differential impact on any Section 75 group.

- 3.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.**

Please give details

The policy development carried out has not found that section 75 groups have different levels of uptake or needs in relation to small scale renewable energy development and hence no way of adapting the policy to promote better equality of opportunity or good relations has been identified.

- 3.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.**

Please give details

In light of the work carried out, no way of adapting the policy to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life has been identified as the policy does not particularly impact upon the Disabled group.

Section 4**EQIA Recommendation**

You should consider carefully in this section whether full EQIA is necessary, particularly where answers to any questions in Section 3 are affirmative.

- 4.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

Prioritisation Factors	Significant Impact	Moderate Impact	Low Impact
Social Need.			Low
Effect on people's daily lives.			Low
Effect on economic, social and human rights.			Low
Strategic significance			Low
Financial significance			Low

Please give details

The proposed extension of PDR is not anticipated to have any effects on specific persons in relation to their rights, social needs or daily lives. There will be financial impacts for users of the technologies but these are not anticipated to impact on equality of opportunity.

- 4.2 **In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly. Yes/No/Unsure**

No. No significant impacts or considerations have been identified in sections 3 and 4.1 and it is therefore not considered appropriate to carry out a full EQIA. The proposed PDRs and this screening will be subject to public consultation. If equality issues are identified from consultation exercise this screening will be revisited.

4.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

An EQIA has not been found necessary.

4.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

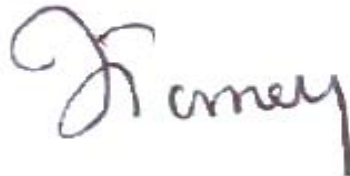
Please give details

An EQIA has not been found necessary.

Section 5

Endorsement

I can confirm that the proposed policy has been screened for equality of opportunity and good relations implications and has been screened out for equality impact assessment/requires a full equality impact assessment.

A handwritten signature in purple ink, appearing to read 'J. Kamey', is written above a horizontal line.

Signed:

Agency/Division: **DOE PLANNING SERVICE**

Date: **21st SEPTEMBER 2009**

Main Groups Relevant to the Section 75 Categories	
<u>Category</u>	<u>Main Groups</u>
Religious belief	Protestants; Catholics; people of non-Christian faiths; people of no religious belief
Political opinion	Unionists generally; Nationalists generally; members/supporters of any political party
Racial Group	White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshis; Black Africans; Black Caribbean people; people with mixed ethnic group
Gender	Men (including boys); women (including girls); transgendered people
Marital status	Married people; unmarried people; divorced or separated people; widowed people
Age	For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration
“Persons with a disability”	Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995
“Persons with dependants”	Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person
Sexual orientation	Heterosexuals; bi-sexuals; gays; lesbians

Rural Proofing of proposals to provide PD rights for microgeneration development (both domestic and non-domestic)

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
1. Service Provision			
<p>Centralised service outlets: rural people or businesses generally need to travel to an urban centre to use service outlets. How will the proposed rural beneficiaries of a policy have reasonable access to it? Does policy delivery depend upon outlets, which are sparse in many rural areas?</p>	Positive	<p>Simpler planning arrangements supporting the provision of microgeneration PD rights may assist in providing decentralised security of energy supply for remote and rural communities. Although capital costs of installing microgeneration equipment can be significant, should rural people choose to avail of the PD rights to do so, benefits may accrue from reduced energy running costs and savings in the longer term.</p>	<p>No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.</p>
<p>Few information points: rural areas contain fewer (formal) places to obtain advice and</p>	None	<p>The introduction of new specific microgeneration PD rights is unlikely to have any negative</p>	<p>Since there is no negative impact, there is no need for mitigation measures or alternative policies.</p>

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
information e.g. libraries, Citizens Advice Bureaux, public Internet points. If the policy's successful delivery requires communication with clients, how will those in rural areas have ready access to information and advice?		effect on the provision of information points in rural areas but may be beneficial where renewable energy sources reduce costs of community buildings/ facilities which serve as information points.	
2. Mobility			
Greater travel needs: on average rural people and businesses travel further to reach jobs, facilities, clients and other opportunities. What will the policy effects be upon existing requirements to travel, or the time, convenience and costs entailed for rural businesses or people (especially those on low incomes or without easy access to a car or public transport)?	Positive	Deregulating planning controls in respect of renewable energy development reduces costs immediately by removing the need for such development to be processed through the planning system and eliminating planning fees. Increased take up of renewable energy technologies facilitated by new renewables PD provision, alongside telecommunication PD rights could reduce the energy costs of	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		rural businesses and of those engaged in homeworking in the long term, may stimulate employment in those areas and reduce the need to travel.	
Higher service delivery costs: rural distances plus small and dispersed populations can make it more difficult and costly to provide services to rural clients. Does the unit cost of providing the service to rural clients limit the extent or quality of service provision? Are there alternative ways to reduce costs and increase provision?	Positive	Deregulating planning controls in respect of renewable energy development reduces the costs associated with provision of such technology immediately by removing the need for such development to be processed through the planning system. This may be a factor in decisions to invest in such technologies affecting the costs of its provision.	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.
3. Economic Vibrancy			
Employment Opportunities: Will the policy affect the distribution of intended economic activity in different	Positive	Where the long term security and cost of energy supply is a factor in stimulating economic activity in rural areas the deregulation of	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
areas, or the level of access to employment or training opportunities, e.g. the distribution of public sector jobs and the relative accessibility of job skills training.		planning controls over the provision of small scale renewable technologies is likely to have a positive effect. Positive impacts may also accrue should the uptake of renewable energy generation technology following the introduction of microgeneration permitted development stimulate local manufacturing and installation businesses, including supply of biomass fuels, bringing with it associated employment opportunities.	
Employment Flexibility: many households require part-time employment or employment with flexible hours to allow them to balance work and life needs (for example, in maintaining a small farm or balancing care arrangements). Will the policy help or hinder	Positive	Increased take up of renewable energy technologies stimulated by broader PD provision, alongside telecommunication PD rights, has the potential to facilitate home and local working, and assist rural people in balancing employment and care arrangements. It may also stimulate ancillary business	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
this sort of employment need or reduce the need for flexibility through, for example, encouraging better childcare provision?		and employment opportunities such as the production and supply of biomass.	
Small firm economy: more businesses are micro-businesses in rural areas (in particular agricultural) and there are few medium-sized or large firms. Will a policy or initiative target and be of benefit to, small (as well as larger) businesses?	Positive	The proposed PD rights will be available to both small and large businesses. Greater use of renewable energy technologies stimulated by extended PD rights may lead to the emergence of small businesses providing ancillary services, e.g. supply of biomass. Small agricultural businesses in particular will benefit from PD rights for biomass storage/boilers and anaerobic digestion equipment on agricultural units, the use of which will directly affect energy costs and costs of dealing with agricultural wastes.	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
Weak infrastructure: telecommunications infrastructures are generally less developed in rural areas, especially remoter areas. If a fast or high-capacity infrastructure (e.g. “broadband” telecommunications) will play a significant part in implementing the policy or initiative, how will it be delivered in rural areas?	None	The introduction of new specific microgeneration pd rights is unlikely to have any negative effect on the provision of telecommunication infrastructure in rural areas although over time the increased uptake of lower running-cost energy provision may reduce the cost of supply of such infrastructure.	Since there is no negative impact, there is no need for mitigation measures or alternative policies.
Infrastructure innovations: often, new innovations in infrastructure or service provision are introduced into urban areas first. Can innovations also be tested in rural areas? Might rural areas provide a stronger test in the first instance? Are there plans to roll out new services or infrastructure to rural areas to minimise long periods of	Positive	Under the proposed changes, it will be possible for rural people, including those in the farming community, to adopt innovative approaches to creating renewable energy supply without the need (within limits) to submit a planning application for permission to undertake the necessary development. This should mean that rural areas could benefit from improvements in	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
inequality?		development of renewable energy technologies, some of which, like anaerobic digestion plants, are particularly suitable for use in agricultural units where a supply of digestate “fuel” is likely to be available. Biomass is also likely to be produced in the rural area and be immediately and locally available.	
High Impact Infrastructure: could a fast or high capacity infrastructure requirement represent a significant impact on environmental or social assets in rural areas (e.g. the impact on social cohesion of increased mobility stemming from the upgrading of roads). Could it be modified to reduce these impacts whilst still delivering policy benefits.	None	While it is unlikely that there will be any negative impact on high capacity infrastructure from small scale renewable energy development it is appropriate that strategic infrastructure projects, including large scale wind farm developments are subject to the full planning process in order that proper consideration can be given to the environmental and amenity aspects of any such high impact proposals.	Since there is no negative impact, there is no need for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts			Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	Quantitative (Detail Evidence)	
4. Social Well Being				
Countryside amenity and access: the countryside provides important recreational opportunities and a place to get away from it all for people wherever they live. What will be the impact of the policy or initiative for people wishing to reach and use the countryside as a place for recreation and enjoyment?	Positive	Conditions and limitations associated with the proposed permitted development rights are targeted at the protection of valuable landscape and amenity resources so that, among other things, people can access and enjoy the countryside. For further commentary see the evidence detailed at “landscape quality and character” further on.		No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.
Needs not concentrated: rural disadvantage and social exclusion does not exist in the types of concentrations found on urban housing estates or in inner city neighbourhoods. It is generally scattered and, in wealthier parts of the countryside, exists side by side	Positive	The provision of permitted development rights for small scale renewable energy generation should facilitate the uptake of energy generation technologies that will, in the long term, reduce the energy costs associated with the provision of local rural community infrastructure		No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
with affluence. Will a policy, especially area-based initiatives, have provision for reaching people or households in the open countryside as well as more concentrated locations of disadvantage?		including community centres, schools and local practice clinics where small scale renewable energy equipment is installed. Increased uptake of renewable energy technologies may also help to reduce fuel poverty in rural areas, particularly if allied to an appropriate grant aid scheme. Renewable energy technologies are particularly suitable for use in the open countryside.	
Different types of need: the mix of deprivation characteristics is somewhat different between rural and urban areas. Poor access to services (including health & social services), low local wages, limited job opportunities and a lack of affordable housing are key rural issues. What needs or deprivation indicators will be	None	The provision of permitted development rights for small scale renewable energy generation is not likely to have a negative impact on differential need nor is it designed to target a deprivation initiative.	Since there is no negative impact, there is no need for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts			Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	Quantitative (Detail Evidence)	
used to target an initiative: will they reflect both rural and urban concerns?				
5. Social Capital				
Low institutional capacity: private, public and voluntary sector bodies in rural areas tend to be smaller and often struggle to forge partnerships or submit bids, especially to tight timescales. If a policy or initiative depends upon local institutions, how will it allow for areas with low institutional capacity? How might it avoid a bias in favour of urban representation and influence if partnership formation is a key method for delivery or for subsequent mainstreaming of learning from pilot initiatives?	None	The provision of permitted development rights for small scale renewable energy generation does not, of itself, depend on local partnerships or local institutions. Rather the PD right will be available to any person or rural community or institution who wishes to undertake this type of development. Should they do so, planning application requirements where the development is of a character described by the PD right will be removed and the associated costs of engaging with the planning system.		Since there is no negative impact, there is no need for mitigation measures or alternative policies.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
<p>Social Capital and community cohesion: provision of services or design of village renewal, new or regeneration of housing estates can impact on sense of community and social capital. Will the policy contribute to strengthening or weakening social capital and hence, the health and sustainability of rural communities?</p>	None	The proposals are unlikely to have a direct impact on social capital or community cohesion itself. The impacts based approach to PD rights aims to address potential impacts on neighbours and the immediate environment. Indirectly if a rural community group were to undertake renewable energy projects on behalf of the community as a whole taking advantage of the more liberal permitted development rights regime, there may be a positive impact upon community cohesion.	Since there is no negative impact, there is no need for mitigation measures or alternative policies
6. Natural & Cultural Capital			
<p>Land-based industries: land-based industries (e.g. agriculture, forestry, fishing and extraction / mining) have an important impact on the rural landscape, environment and</p>	Positive	The provision of specific PD rights for renewable energy technologies will, through stimulating demand for various forms of biomass, provide opportunities for rural land based	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
biodiversity, and remain significant employers in certain rural areas (despite being a fairly small element of the overall rural economic base). Will a policy have any particular impacts on –land-based industries and, therefore, on rural economies and environments?		industries such as agriculture and forestry to generate income from meeting that demand. Anaerobic digestion on farms also has the potential to generate income and have a beneficial impact upon the rural environment. In turn this may, in the longer term, have an appreciable (although as yet unquantifiable) impact on industry energy costs and potentially positive impacts on rural economies. Constraints on those PD rights, an example of which is set out in the next section, are designed to have a positive impact on protection of amenity and environmental assets.	
Landscape quality and character: our rural landscapes are highly valued for their beauty and distinctiveness and contribute significantly to our	Positive	The proposals, while considerably extending the ability of both domestic and non-domestic developers to install microgeneration equipment using	No mitigation measures needed and no alternative policies proposed because the impact is seen to be positive.

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
tourism potential. What will be the likely policy impact upon the quality and distinctive character of natural and built rural landscapes, especially (but not only) on protected landscapes and on biodiversity?		<p>PD rights, will be subject to those limitations and conditions necessary to reduce potentially adverse impacts of development on neighbours and on the wider environment.</p> <p>It is suggested for example, that permitted development rights will be constrained in areas such as AONBs, Conservation Areas, World Heritage Sites or National Parks. In some cases this will have the effect of removing PD Rights in certain areas where, for example, solar panels are mounted on roofs or walls which face onto and are visible from a road. Panels will still be able to be installed using PD rights in areas where they are not visible in this way or conventional planning permission may be sought.</p> <p>While this may have an effect on those who wish to install</p>	

Rural

	Assessment Of Impacts		Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	
		<p>microgeneration equipment in some rural areas, public concern about the protection of the countryside is high both among rural and urban dwellers. Furthermore, amenity landscapes significantly contribute to rural tourism potential. It is therefore considered that these measures are justified because they positively contribute to the protection of Northern Ireland’s high quality environmental and landscape resource. That resource can assist in the generation of valuable tourism income for rural communities.</p>	
<p>Local Craft and Food production: A key resource for the growth of many micro-businesses in rural areas is the use of traditional crafts, foods and recipes. Will the policy have</p>	None	<p>The proposed PD rights do not directly impact local craft and food production.</p>	<p>Since there is no negative impact, there is no need for mitigation measures or alternative policies</p>

Rural

	Assessment Of Impacts			Consideration Of: <ul style="list-style-type: none"> • Mitigating Measures; and • Alternative Policies
	Positive Negative None	Qualitative (Detail Evidence)	Quantitative (Detail Evidence)	
an impact on the production of any of these, (e.g. regulations affecting food hygiene and production standards) and if so how might traditional approaches be accommodated.				

	Screening Questions	Response to Screening Questions		Full Impact Assessment Required		Justification / Key issues and groups to focus on	
		Yes	No	Yes	No		
Rural	1. Does the policy apply in rural areas and communities? If NO: set out the reasons why If Yes:	X			X	The provision of permitted development rights for small scale renewable energy development is a deregulatory measure that aims to impact in a positive way on rural areas. The checklist (above) has been completed to further support this case.	
	a. Does the policy have the potential to have a negative impact on rural areas and communities?		X		X	The objective of the policy is to ensure that there are positive impacts on rural areas as a result of the proposals.	
	b. Does the policy have the potential to have a positive impact on rural areas and communities?	X			X	The objective of the policy is to ensure that there are positive impacts on rural areas as a result of the proposals.	
	CONCLUSION						The policy consultation document includes a completed checklist (above) which indicates why the impact will be neutral or positive.

When Is a Rural Impact Assessment Required?

- If the answer to question 1 is yes, consideration should be given to undertaking a rural impact assessment. The following guidance applies:

- If the answer to a is yes, a rural impact assessment must be undertaken and the checklist completed.
- If the answer to b is yes, the policy document should include a reference to how and why the impact will be positive.

Conclusion

All responses to the consultation paper will be carefully considered before final policy decisions are taken on the scope and nature of permitted development rights for small scale renewable energy development and the Department is interested in comments from the rural community on the proposals set out in the consultation.



Creating the environment for business

The full preliminary Regulatory Impact Assessment is available on www.planningni.gov.uk

Executive Summary

This Regulatory Impact Assessment (RIA) is a statutory requirement for policy appraisals of a significant size. This RIA provides a policy appraisal of recommendations set out in the report titled “*Review of Permitted Development Rights for Non-domestic Small Scale Renewable Energy Development*”. The report sets out several recommendations for the extension of permitted development rights for microgeneration technologies. The RIA contains a cost benefit analysis of the recommendations using the following options:

- Option A: ‘Do nothing’ scenario – This is required in all RIAs undertaken for consultation. This option relates to the business as usual scenario where developers will continue to apply for planning consent for all non-domestic microgeneration technologies, in other words current trends of take up are expected to continue.
- Option B: All recommendations scenario. This would comprise of the implementation of all recommendations set out in the report.
- Option C: ‘Partial recommendations’ scenario which would involve adopting some of the recommendations from the report. This option would consider the adoption of all the recommendations with the exception of wind power, which would continue to require planning consent. Wind power is currently excluded as a precautionary approach taking into account potential noise and safety concerns (this is considered in more detail later in this RIA).

Table 1 presents the annual net benefits of each policy relative to Option A (the BAU (Business as Usual) situation). The results show the estimated additional benefits minus the additional costs. The annual net benefit results are also separated by affected groups. The findings of the analysis is summarised below:

- Planning Service - The costs to the Planning Service are expected to be cost neutral. This is because it is assumed that the application fee is set equal to the costs of processing applications. Therefore any loss in revenue from application fees is equally offset by the avoided cost of processing applications. Non monetised impacts to consider are the potential resources that become available which can be used elsewhere in the Planning Service. Part of this might be taken up by dealing with additional complaints about microgeneration technology that are now permitted development (PD).
- Users of microgeneration that is now permitted development - Taking into consideration the purchase costs of the microgeneration technologies themselves, there are significant net benefits to the additional users (over the lifetime of the technology), who decided to install a microgeneration technology as result of extensions to the permitted development rights (PDR). These benefits include fuel savings and the avoided cost of applications. There are also several non-monetised considerations such as the greater security over the supply of energy, less exposure to energy price fluctuations and creating a more “green” image for the user.

- **Society** – The monetised net benefits to society include the reduction in CO₂ emissions and the avoided damage costs from the generation of electricity from fossil fuel sources. Other non-monetised benefits include the greater awareness and demand for clean technologies. The main non-monetised social costs are related to wind turbines (and biomass storage), which are perceived by some to be visually intrusive or may be affected by other visual aspects (e.g. size and shadows it may cause) or the noise from wind turbines. It is for this reason, that the RIA presents an option (Option C) where wind microgeneration still requires planning consent.

The results show that both options B and C result in positive monetised net benefits. It is estimated that over one year Option B will result in greater monetised net benefit to all affected parties relative to Option C, however over the time period 2009 to 2020 Option C would result in a greater monetised net benefit. This is because the assessed costs and benefits of greater uptake in microgeneration wind technology have been taken into account as a factor in option B with the difference between costs and benefits changing disproportionately over time with greater uptake. As uptake increases over time, the differences between costs and benefits increases because the payback period for microgeneration wind technology is longer than the policy period being analysed. Under option C there may be less non-monetised social costs to do with wind turbines, since these would still require planning consent.

Table 1 Annual net monetised benefits

Option	Planning Service	Users	Society	Total
B	£0	£28,643 - £59,677	£41 - £175	£28,685 - £59,852
C	£0	£21,941 - £47,006	£30 - £94	£21,971 - £47,099

Table 2 Net monetised benefits over the period of 2009-2020

Option	Planning Service	Users	Society	Total
B	£0	£149,895 - £269,760	£2,959 - £12,947	£152,853 - £282,707
C	£0	£156,950 - £439,970	£2,210 - £7,353	£159,160 - £447,323

The figures in the graphs below summarise and compare the costs and benefits for options B and C. Both costs and benefits tend to be higher for option B than for option C over both one year and the time period to 2020.

Figure 1 Range of costs and benefits in 2009

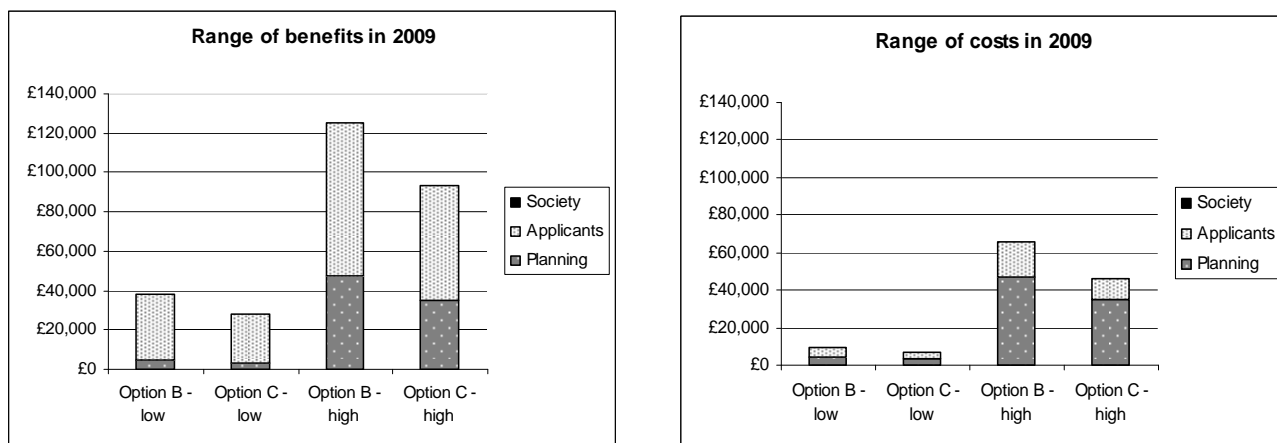
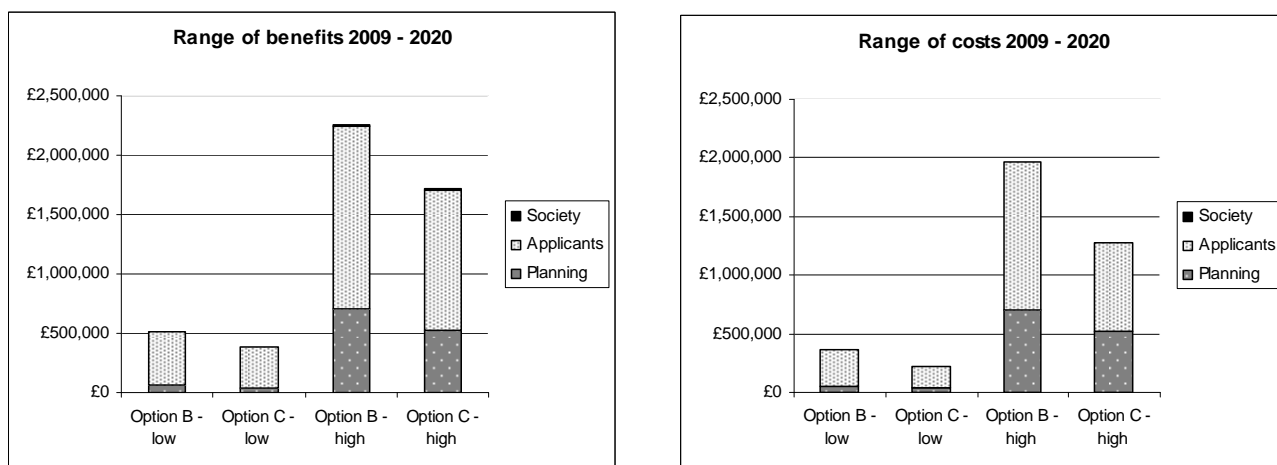


Figure 2 Range of costs and benefits in 2009 - 2020



Those costs and benefits that could not be reliably monetised (and not included in the graphs above) were qualitatively described in the relevant sections of this report. These impacts are listed in the table 3:

Table 3 Summary of non-monetised costs and benefits

Option	Non-monetised costs	Non-monetised benefits
B	<p>Costs to Planning Services of dealing with complaints</p> <p>Liability costs to applicants</p> <p>Wind power - Visual impacts to those in immediate vicinity related to size, height, colour, reflectivity and number of turbines</p> <p>Wind power - Annoyance to those in immediate vicinity caused by shadow flicker, noise and vibration</p> <p>Biomass unit - Visual impacts relating to new boiler, flue or fuel store</p> <p>Embodied energy costs of microgeneration technologies to society</p>	<p>Redistribution of resources previously spent processing applications</p> <p>Increased property value</p> <p>Reduced exposure to energy security and fuel price volatility for applicants</p> <p>Improved green image to the applicant</p> <p>Reduction in demand for non-clean technologies</p> <p>Stimulate innovation and research in micro-generation technologies</p>
C	<p>Costs to Planning Services of dealing with complaints</p> <p>Liability costs to applicants</p> <p>Biomass unit - Visual impacts relating to new boiler, flue or fuel store</p> <p>Embodied energy costs of microgeneration technologies to society</p>	<p>Redistribution of resources previously spent processing applications</p> <p>Increased property value</p> <p>Reduced exposure to energy security and fuel price volatility for applicants</p> <p>Improved green image to the applicant</p> <p>Reduction in demand for non-clean technologies</p> <p>Stimulate innovation and research in micro-generation technologies</p>

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>). For further information about this particular consultation please contact the consulting branch at:

Microgeneration Permitted Development Consultation
Planning Service
3rd Floor
Millennium House
17-25 Great Victoria Street
Belfast BT2 7BN

List of Consultees

Action Renewables
 Aerodrome Safety Regulation Group
 20:20 Architects
 Architectural Heritage Fund
 Architecture and Planning Information Services – Queens University Belfast
 Arcus Architects
 ARQIVA
 ASI Architects
 Association of Consulting Engineers
 Atlas Communications
 B9 Energy Services Ltd
 Bar Library
 BB Planning & Design
 BBC Engineering Information Department
 Belfast City Airport
 Belfast City Council Waste Management Service
 Belfast Civic Trust
 Belfast Harbour Commissioners
 Belfast Healthy Cities
 Belfast Hills Partnership
 Belfast International Airport
 Belfast Metropolitan College
 Belfast Metropolitan Residents Group
 Belfast Solicitors Association
 Big Picture Developments
 Brennen Associates
 British Telecom (N.I.)
 British Wind Energy Association
 Bryson House
 Building Design Partnership
 Cable & Wireless
 Camping and Caravan Club
 Carbon Trust (NI)
 Carvill Group Ltd
 Chartered Institute of Architectural Technologists
 Chartered Institute of Environmental Health
 Chartered Institute of Housing
 Chief Executive of the NI Judicial Appointments Commission
 Citizens Advice
 City of Derry Airport
 Civil Aviation Authority
 Civil Law Reform Division
 Communities and Local Government
 Coleraine Harbour Commissioners
 Committee for the Administration of Justice
 Community Places
 Community Relations Council
 Community Technical Aid
 Confederation of British Industry
 Construction Employers Federation
 Construction Register Ltd
 Coogan & Co

Council for Catholic Maintained Schools
 Countryside Access & Activities Network for NI
 Crown Castle UK Ltd
 Derryhale Residents' Association
 Development Planning Partnerships
 Dickson Architectural Services
 Disability Action
 District Judge (Magistrates Court)
 DM Kearney Design
 Education and Library Boards
 Energy Saving Trust NI
 Enniskillen Aerodrome
 Environment and Planning Law Association of NI
 Equality Commission for NI
 Executive Council of the Inn of Court of NI
 Federation of Small Businesses
 Ferguson & McIlveen
 Fire Authority for Northern Ireland
 Fleming McKernon Associates
 Fleming Mounstephen Planning
 Food Standards Agency NI
 Forest of Belfast, C/o Parks and Amenities Section
 Friends of the Earth
 General Consumer Council for NI
 Geological Survey of Northern Ireland
 GT Design
 Hawthorn Associates
 Health and Social Services Boards and Trusts
 Heat Pump Association
 HM Council of County Court Judges
 Human Rights Commission
 Independent Health Coalition
 Institute of Professional Legal Studies
 Institute Of Directors Northern Ireland
 Institute of Historic Building Conservation
 Institution of Civil Engineers (NI Association)
 International Tree Foundation
 Invest Northern Ireland
 Kenneth Crothers, Deane & Curry
 Knox and Clayton
 Lagan Valley Regional Park Officer
 Laganside Courts
 Landscape Institute NI
 Larne Harbour Commissioners
 Law Centre (NI)
 Law Society of Northern Ireland
 Londonderry Port & Harbour Commissioners
 Lough Neagh and Lower Bann Management Committees
 LPG Association
 Marks and Spencer
 McClelland Salter Estate Agents
 McGurk Architects Ltd.
 Ministry of Defence
 MKA Planning
 Mobile Operators Association

Mono Consultants Limited
 Motorhome Association
 Mourne Heritage Trust
 Mournes Advisory Council
 National Trust
 NATS
 Newtownards Aerodrome
 NIC/ICTU
 NI-CO
 NICOD
 NIUR
 North West Architectural Association
 Northern Builder
 North Eastern Group Building Control
 Northern Ireland 2000
 Northern Ireland Agricultural Producers Association
 Northern Ireland Amenity Council
 Northern Ireland Association Engineering Employer's Federation
 Northern Ireland Authority for Utility Regulation
 Northern Ireland Blood Transfusion Service Agency
 Northern Ireland Chamber of Commerce and Industry
 Northern Ireland Chamber of Trade
 Northern Ireland Conservative Associations
 Northern Ireland Council for Integrated Education
 Northern Ireland Council for Voluntary Action
 Northern Ireland Court Service
 Northern Ireland District Councils – Chief Executives and Health Officers
 Northern Ireland Economic Council
 Northern Ireland Electricity Plc
 Northern Ireland Environment Committee
 Northern Ireland Environment Link
 Northern Ireland Federation of Housing Associations
 Northern Ireland Government Departments
 Northern Ireland Health Promotion Agency
 Northern Ireland Housing Council
 Northern Ireland Housing Executive
 Northern Ireland Law Commission
 Northern Ireland Local Government Association
 Northern Ireland Manufacturing
 Northern Ireland Members of The House of Lords
 Northern Ireland MP's, MEP's, Political Parties and MLA's
 Northern Ireland Office
 Northern Ireland Prison Service
 Northern Ireland Public Service Alliance
 Northern Ireland Quarry Owners Association
 Northern Ireland Quarry Products Association
 Northern Ireland Regional Medical Physics Agency
 Northern Ireland Residents Coalition
 Northern Ireland Tourist Board
 Northern Ireland Water Limited
 O2
 OFCOM
 OFREG
 Orange
 Orange PCS Limited

Ostick and Williams
 Participation & the Practice of Rights Project
 Participation Network NI
 Phoenix Natural Gas Ltd
 Planning Appeals Commission
 Planning Magazine
 Playboard N.I. Ltd
 Policing Board Of Northern Ireland
 Pragma Planning
 Property Services Agency
 Police Service of Northern Ireland
 Quarryplan Limited
 Queens University Belfast – Department of Civil Engineering
 Queens University Belfast – Department of Environmental Planning
 Renewables Ireland
 Research and Information Services
 RICS NI
 Robert Turley Associates
 Royal National Institute For Deaf (RNID)
 Royal National Institute For The Blind
 Royal Society for Protection of Birds
 Royal Society of Ulster Architects
 Royal Town Planning Institute
 RPP Architects
 RPS
 RTPI Irish Branch (Northern Section)
 Rural Community Network
 Rural Development Council for Northern Ireland
 School of Law
 Scottish Parliament
 South Eastern Regional College
 Sports Northern Ireland
 Statutory Advisory Council
 Strangford Lough Advisory Council
 Strangford Lough Management Committee
 Sustrans
 Three
 T-Mobile
 Todd Planning
 Translink
 Transport 2000
 Tyrone Brick
 Ulster Angling Federation
 Ulster Architectural Heritage Society
 Ulster Farmers' Union
 Ulster Society for the Preservation of the Countryside
 Ulster Wildlife Trust
 University of Ulster, School of the Built Environment
 URPA
 UTV Engineering Information Department
 Virgin Media
 Vodafone Ltd
 Warrenpoint Harbour Authority
 WDR & RT Taggart
 Wildfowl and Wetland Trust

William Ewart Properties Ltd
Woodland Trust
World Wildlife Fund (NI)

Plus notification of consultation provided to a number of other individuals and organisations in response to specific requests