

**PERMITTED DEVELOPMENT RIGHTS FOR DOMESTIC MICROGENERATION EQUIPMENT CONSULTATION PAPER –
RESPONSE OF THE HIGHLAND COUNCIL**

Questions	Yes/no	Comments
<p>1 - Are there sufficient grounds to further constrain the PD proposals for domestic microgeneration equipment, especially wind turbines, in areas designated for their landscape quality? Please provide justification or evidence for your answer.</p>	no	<p>The paper sets out the reasons well; the scale of equipment is small and is therefore unlikely to affect the landscape character or quality. The houses themselves may have more of an impact upon the landscape quality than any ancillary development.</p>
<p>2 - Are there sufficient grounds to further constrain the PD proposals for domestic microgeneration equipment in areas designated for the protection of flora and fauna? Please provide justification or evidence for your answer.</p>	no	<p>Again, the paper sets out the reasons well. PD rights are removed where there is likely to be a significant effect on an SPA for example. Domestic generation may have significant effects but possibly only in a cumulative sense. Appropriate assessment will need to be undertaken if the conclusion is that this is the case. It is debatable whether this type of development at a localised level could be considered to be of over-riding national importance.</p>
<p>3 - Should PD rights for microgeneration equipment, except wind turbines, be granted in areas designated for their built heritage value providing that the principle elevation fronting a highway is unaffected?</p>	no	<p>The question is unclear but what it appears to be asking is – should microgeneration equipment, other than turbines, be permitted by the order providing that the <u>principal</u> elevation fronting a highway is unaffected?</p> <p>It is plausible, indeed particularly likely within conservation areas, that there is more than one key elevation to a building that can be viewed from a road (the definition of which can also include a footpath). Care needs to be taken in defining what is meant by 'principal' and also what is meant by 'visible from a road,' since both could be interpreted many ways i.e. visible from a road three blocks away may mean that it would not be PD. Notwithstanding this, all visible technologies proposed in a conservation area/WHS etc should require planning permission and provide the local authority with the control that is afforded to other routine development. Otherwise, this is likely to be controlled through</p>

		Article 4 Direction.
4 - Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment? If not, what specific provisions are necessary?	yes	The draft order acknowledges this and does not grant permission for particular types of development within the curtilage of a listed building. Since any development on a listed building that may affect its character is likely to require listed building consent, it is considered that this is well covered.
5 - Will the setting of listed buildings be adequately protected by not granting PD rights to wind turbines and solar arrays within their curtilage?	no	A planning authority will have the opportunity to assess the impact upon the setting of the building if an application is required; hopefully the setting will be protected as a result. It is less certain how the setting of listing buildings that are not within a conservation area will be protected if a neighbouring unlisted property is permitted to install microgeneration equipment with no due regard to the importance of its neighbour. Is this something that the order should consider?
6 - Do you think that general conditions on amenity and other impacts could be applied to the PD rights for microgeneration equipment?	no	The answer to this question could easily be either yes or no. However, on the understanding that the purpose is to reduce uncertainties of interpretation of criteria and terminology, the draft order would appear to achieve this goal – to an extent at least. There still remain uncertainties in the drafting i.e. the issue of principal elevation and visibility from road as mentioned above. There may be other similar ones that should be considered in the final drafting.
7 - Do you agree that the same PD rights should apply to solar water heating and photo-voltaic panels? If not, please say why.	yes	
8 - Do you consider that the proposed PD limits for solar panels on domestic buildings of 150 mm above the plane of a pitched roof or a wall, not higher than the highest point of a pitched roof and covering up to 60% of the roof or wall area are appropriate? If not, what should the limits be	no	It is unclear the purpose of restricting to 60% coverage and how this is derived. A 60%, or 80%, or 40% coverage for that matter will all have a visual impact on the original roof – indeed it could be argued that 100% coverage would have less impact. 150mm appears too restrictive. In England the distance from the plane of the roof is 200mm.

and why?		It is not considered that the provisions of the order for re-roofing should dictate the coverage – perhaps we should encourage homeowners to re-roof using PV cells rather than tiles?
9 - Do you agree that there should be no PD for solar panels on the walls of buildings containing flats?	yes	It is a cumulative issue; a common problem with regard to satellite dishes. A flattened development should be encouraged to install on a communal basis.
10 - For flat roofs do you agree or do you have alternatives to the suggestion that PD rights for panels should be set so that they are no closer than 1 metre to the edge of the roof, with the highest point of the panel not more than 1 metre above the plane of the roof and covering up to 60% of its area? If not, please suggest alternative provisions.	no	As with the answer to Q8, it is unclear where these limits have come from. In a domestic situation, microgeneration equipment of this kind is surely either acceptable or unacceptable. Whether it is 1m from the edge of the roof or 0.5m from the edge of the roof is almost immaterial since it is still likely in most instances to be visible at 1m in height. Is there a major issue with not allowing 100% of the roof to be taken up with panels? Should we not be focussing on the development that is in the most sensitive of areas such as conservation areas/World Heritage Sites/and listed buildings?
11 - For free-standing arrays, should PD rights be set at less than 4 metres in height, at least 5 metres from the property boundary and with a maximum area of 9 sq metres?	no	Again it is unclear as to the rationale for the limits; particularly the distance from the property boundary. However, if it is not intended to limit the ability to erect such a structure in the front garden of a house, then it can be understood for amenity reasons why only one device would be permitted and that this be restricted in size.
12 - Do you agree with the principle of applying distance criteria for wind turbines to deal with the potentially adverse impacts?	no	The effects of domestic wind turbines on residential amenity are not yet fully understood. It is considered a mistake to include domestic wind turbines as permitted development at this stage. This has been excluded in England.
13 - If you agree with question 12 do you think it should be set at 100metres to the nearest domestic building or can you suggest and give evidence for another figure?		
14 - Do you agree with the following limits on the scale of building mounted wind turbines? (each turbine blade up to 1.1 metres in length, up to 3 metres above the highest part	no	The effects of domestic wind turbines on residential amenity are not yet fully understood. It is considered a mistake to include domestic wind turbines as permitted development at this stage. This has been excluded

<p>of the roof and one per building)</p>		<p>in England.</p>
<p>15 - Do you agree with the following limits on the scale of free-standing turbines? (each blade up to 1.1 metres in length and a maximum height including tower of 11.1 metres to the tip of the turbine blade, located at least 12 m from the boundary of the property and one per curtilage.)</p>	<p>no</p>	<p>The effects of domestic wind turbines on residential amenity are not yet fully understood. It is considered a mistake to include domestic wind turbines as permitted development at this stage. This has been excluded in England.</p> <p>These free standing turbines should not be permitted development in conservation areas/World Heritage Sites.</p>
<p>16 - Should the visual impact of free-standing turbine masts be controlled by a condition on the PD rights such as 'provided the colour of the mast minimises its visual impact' or can you suggest an alternative formula?</p>	<p>no</p>	<p>This is likely to make no difference considering the scale of development.</p> <p>These free standing turbines should not be permitted development in conservation areas/World Heritage Sites.</p> <p>The effects of domestic wind turbines on residential amenity are not yet fully understood. It is considered a mistake to include domestic wind turbines as permitted development at this stage. This has been excluded in England.</p>
<p>17 - Do you agree that flues for biomass stoves should be permitted development up to 1 metre above the highest point of the roof but not on the principal elevation in conservation areas.</p>		<p>While 1m may be a reasonable height, the wording with regard to conservation areas and World Heritage Sites needs to be considered further as highlighted above.</p>
<p>18 - Do you agree that wood stores should be treated in the same way as any other residential alterations or ancillary development, so that depending on circumstances they may be PD.</p>	<p>yes</p>	

<p>19 - Do you agree with the proposal that ground and water source heat pumps, including the collectors and associated trenches or boreholes should be permitted development?</p>	<p>yes</p>	
<p>20 - Do you agree that air source heat pumps should be permitted development with the proviso that they should not be located within 100 metres of a separate house or flat?</p>	<p>no</p>	<p>For the reasons set out against micro wind, this technology should not be PD at this time.</p>
<p>21 - If you think the distance criteria should be different, please say what you suggest and give the evidence to justify it.</p>		<p>For the reasons set out against micro wind, this technology should not be PD at this time.</p>
<p>22 - Do you agree that there are no PD issues for domestic combined heat and power devices except for flues, in which case the PD limit should be 1 metre above the highest point of the roof, and additionally in conservation areas or world heritage sites not on the principal elevation and visible from a road?</p>	<p>yes</p>	<p>Again, the wording of the order needs to be reviewed with regard to visibility from road criteria.</p>
<p>23 - Do you agree that there should be no additional PD rights for domestic scale hydro-electric generating schemes? If 'no' please see the next question:</p>	<p>no</p>	
<p>24 - If you have answered 'no' to the previous question please say in what circumstances and within what criteria you think that domestic scale hydro schemes should be permitted development?</p>		<p>It is quite possible to capture energy from any small fast flowing water course without necessarily requiring a huge amount of infrastructure other than a weir and necessary switching gear. The switching gear could be contained within a relatively small building. It may be possible to set thresholds. CAR Authorisation is likely to be required which will consider effects on water course, flooding etc.</p> <p>Any larger schemes (over 0.5 megawatt) that is likely to have significant effect</p>

		<p>on the environment would be covered by the EIA Regulations, screened and where considered to have a significant effect require a planning application accompanied by ES.</p>
<p>25 - Do you think that an overall limit should be set for the combined microgeneration capacity which is permitted development, and if so what should it be? Please justify your answer.</p>	<p>no</p>	<p>It is unlikely that a single householder would either have the need or physical capability to install all the various technologies to their limits. The fear may be that a householder places more technology required for their own consumption. The criteria contained within Class 6D for example assumes the use of wind turbines for domestic microgeneration and therefore this type of technology should not be installed under the draft PD order if it is intended to sell to the grid. There is therefore an element of control.</p> <p>Having said this, it needs to be accepted that a range of technologies may be necessary to provide all the electricity/hot water that a household requires so it is conceivable that solar for hot water in combination of ground source for heating and wind for electricity would all need to work simultaneously. This need not be discouraged.</p>