

Permitted Development Rights for Domestic Microgeneration Equipment

Consultation Paper March 2008

The Cairngorms National Park Authority welcomes the opportunity to comment on the proposals being set out by Scottish Ministers. This response is set out in accordance with the series of questions asked in the consultation paper.

If you have any further questions about the information and views included within this response, please do not hesitate to contact Alison Lax (Planning Officer) on

General Comments

We welcome the commitment in para 1 that the Scottish Ministers are committed to promoting a greater uptake of Microgeneration, as part of a coherent energy policy for Scotland. We also welcome the recognition that this must be achieved whilst also minimising adverse impacts on neighbours and amenity generally, and the wider benefits of carbon dioxide emission reductions. We would also seek to ensure that the other wider environmental issues are also fully considered, such as landscape impacts.

We are keen to demonstrate that microgeneration is a good option and has great potential in a nationally designated area such as the Cairngorms National Park, which is likely to be unsuitable for some larger scale renewable energy schemes. We would also seek an assurance from Ministers that the proposals, when finalised, take account of the Cairngorms National Park Plan, and the 4 National Park aims, as set out in the National Parks (Scotland) Act 2000.

One point which we will raise again later, but which we felt needed to be addressed upfront is the issue of neighbours 'right to light'. We are still unsure how this important issue will work within the proposals being put forward. If for example, an individual puts a solar array on their roof either following an existing planning permission, or under new PD rights, will they have any ability to ensure this array continues to receive as much light as is needed for it to function adequately? I.e. is there any control over someone else coming along and putting up additional microgeneration equipment on their property that may impact on the initial installation, or another form of development that may impact. We can also see this being an important issue when it comes to small scale wind turbines, and the quality of the air they receive (i.e. whether or not it is disturbed).

We welcome the fact the guidance goes a long way to ensuring standard conditions apply across the country, and that most issues of subjective decision making have been removed from consideration of whether PD rights

are available or not for each technology. However, we would also question what the Scottish Government is going to do to help all Planning Authorities to ensure that the public are not left in any confusion as to what does and does not require permission, and what other permissions are also required. For example, consideration of proposals under listed building legislation, other natural heritage legislation, or the need for a building standards warrant, etc. Furthermore, we also want to be able to reassure people that just because their proposals do not have PD rights, that does not mean they will not get permission, just that they will have to be considered by the planning authority in the form of a formal planning application. With the pressures that exist within Planning Authorities, this important piece of work is one that may not be given the highest priority, yet it is something that all planning authorities would find useful, hence some national assistance with this would be very beneficial.

On another note, we are concerned about the continued reference to World Heritage Sites as built environment designations, along with Conservation Areas. This is not always the case, and as such, some of the proposals set out are inappropriate, and the impacts on some world heritage sites should be considered in different ways.

Question 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?

In general, we don't believe there is a need to further constrain the PD proposals set out. It is our opinion that the impact of the equipment being proposed is not much more significant than the impact of the existing development itself.

We have considered the option of seeking stricter controls in parts of the National Park, but have rejected this approach as the character of the National Park is made up as a sum of all its parts. It is the integrity of the whole of the Park that makes it so special, and so we would not want to see different approaches being proposed in different areas.

Question 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?

We don't believe there is a need to further constrain the PD proposals as set out, as there is already adequate protection in place to protect the interests in these sites. However, we are concerned about the lack of public awareness of these safeguards. If the general message being put out by the Government, and hence by the media is that PD rights are now granted for microgeneration, we are concerned that many people will not bother to look at the caveats. This point relates back to one of the general comments we made at the beginning of this response.

The situation as set out will require far more proactive monitoring of development within our area, and a concerted public awareness raising programme. We are not against this, but mindful of the resources it will require, and our resources are already stretched. A commitment from the Government to ensure the information that is given out includes reference to the caveats would be welcomed, and this would make our lives delivering this new policy approach on the ground far easier, and more helpful to the public.

Question 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?

Yes.

Question 4

Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment?

Yes, as this situation would still allow us to approve applications for equipment that would not permanently affect the fabric of the listed building. There are plenty of examples of equipment being retrofitted onto listed buildings without damage to the reasons the building was listed. We would not want to preclude such sensitive development in the future, but the control necessary could come through a listed building application.

Question 5

Will the setting of listed buildings be adequately protected by not granting PD rights to wind turbines and solar arrays within their curtilage?

We agree that the setting of listed buildings will be protected in most instances. We do however have some concerns about the potential impacts on the setting of a listed building where equipment is added onto newer buildings that are within the curtilage, as listed building consent would not be required in this situation

Question 6

Do you think that general conditions on amenity and other impacts could be applied to the PD rights for microgeneration equipment?

No. We believe that recommendations by consultants on a design code would be very subjective, and there is a danger that everyone would apply it differently. We believe it is good to remove this subjectivity.

Question 7

Do you agree that the same PD rights should apply to solar water heating and photo-voltaic panels?

Yes.

Question 8

Do you consider that the proposed PD limits for solar panels on domestic buildings of 150mm 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?

Yes. We agree with the proposed limitations as they are both precise and enforceable.

Question 9

Do you agree that there should be no PD for solar panels on the walls of buildings containing flats?

Yes. We think this is necessary to ensure an element of control is able to be used to ensure unity of design, and to ensure siting and cumulative impacts can be dealt with.

Question 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?

Yes.

Question 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?

We consider the limits being proposed to be acceptable.

Question 12

Do you agree with the principle of applying a distance criteria for wind turbines to deal with the potentially adverse impacts?

No. Having given this issue considerable thought, we do not think that setting a distance criteria would be beneficial. If it was too high then very few people would benefit from PD rights, and if it was too low, then it would become difficult to monitor. We feel this could create problems within settlements, and that it could lead to confusion for the public. Setting any distance criteria could lead to whole settlements being without PD rights, and this is not what we want to see, and we also believe this is at odds with the whole thrust of this consultation. We want to be encouraging more microgeneration within the National Park.

Question 13

If you agree with question 12 do you think it should be set at 100 metres to the nearest domestic building or can you suggest and give evidence for another figure?

N/a see response to Question 12

Question 14

Do you agree with the following limits on the scale of building mounted turbines (each turbine blade up to 1.1 metres in length, up to 3 metres above the highest part of the roof and one per building)

Yes. We agree that these limits are appropriate and realistic given current technology that is available.

Question 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 12m from the boundary of the property and one per curtilage.)

Yes. We agree that these limits are appropriate and realistic given current technology that is available.

Question 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?

No. We have concerns that if attempts are made to match the colour of turbines to their backdrop, the visual impact of the turbine could be greater than if you could see clearly what the structure is.

Question 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?

Yes.

Question 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?

Yes. We believe that in reality they would be just like sheds, and so should be treated the same.

Question 19

Do you agree with the proposal that ground and water source heat pumps, including collectors and associated trenches or boreholes should be permitted development?

No. We believe that a number of similar issues exist as with the consideration of small scale hydro developments, and as such we do not believe that PD rights should be granted for these forms of development. Whilst we want to be able to take a positive approach to this type of development, our concerns over the effects on archaeological remains, ecology and our rivers (many of which are SACs), mean we want to be able to assess each proposal on its own merits.

Question 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?

We agree that the installation of air source heat pumps should be permitted development, but we do not agree with the distance criteria, as we believe that would be overly restrictive. Any issues relating to noise would be dealt with under environmental health legislation, and we don't see the need for duplication.

Question 21

If you think the distance criteria should be different, please say what you suggest and give the evidence to justify it.

N/a see response to question 20

Question 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 conservations areas or world heritage sites not on the principal elevation and visible from a road?

Yes. We agree with the proposed limitations as they are both precise and enforceable.

Question 23

Do you agree that there should be no additional PD rights for domestic scale hydro-electric generating schemes?

Yes. As mentioned in our response to question 19, we have concerns about the impacts of development on our rivers, and as such agree that PD rights should not be granted, leaving planning authorities the ability to assess the specifics of each installation and assess each application on its merits.

We would still however want a proactive approach for micro hydro, as there is lots of potential here, but we can address this through our local plan policies and development management decisions.

Question 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?

N/a

Question 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.

No. We have concerns about being able to enforce such a limit, and in order to promote the greatest uptake of microgeneration development, we do not believe it is appropriate to set a limit on capacity.