

May 2007 to Present

**NORTH AYRSHIRE COUNCIL**  
**Agenda Item 8**

**6 May 2008**

**Subject:** **Planning Committee**  
**Permitted Development Rights for Domestic Microgeneration Equipment:**  
**Consultation Paper**

**Purpose:** To advise the committee of the details of the above consultation paper and its implications and to agree the Council's response to the Scottish Government.

**Recommendation:** That the Committee agrees to approve the comments set out in Appendix 1 as the Council's response to the consultation.

**1. Introduction**

The types of micro renewable equipment are solar water heating, solar electricity (photo-voltaics), small wind turbines, biomass boilers, heat pumps (ground, water and air source), combined heat and power systems and hydro-electric generators. Planning Advice Note (PAN) 45 provides background information about the technologies and best practice advice.

This consultation paper is seeking views on the extent to which planning control can be reduced for domestic buildings by making microgeneration equipment "permitted development" and thus removing the need to apply for planning permission. The proposals seek to strike the balance between controlling adverse impacts on neighbours and amenity generally, and the wider environmental benefits of CO<sub>2</sub> emission reductions.

Written responses to the consultation paper are sought by the 12th May 2008.

**2. Current Position**

The installation of microgeneration equipment currently almost always requires householders to apply for planning permission and, therefore, the cost and time required are seen as a disincentive. However, if the equipment was defined as "permitted development" by amending secondary legislation, permission would be granted as a right provided it met strict criteria.

The current permitted development rights for domestic buildings draws a distinction between buildings containing flats and dwellinghouses due to the potential of development to affect other residents.

**3. Proposal**

Permitted development rights for domestic properties could be extended to include microgeneration equipment. There would continue to be a distinction between flatted dwellings and other dwellings, any proposed installation of microgeneration equipment on a Listed Building would require an application for Listed Building Consent. Changes to Permitted Development will not affect the separate Building Standards requirements. The installation of microgeneration equipment will require an application for planning permission in the normal way if it is not classified as permitted development.

Research commissioned by the Scottish Executive recommended extending Permitted Development rights to microgeneration. It is recognised that there are issues to be addressed regarding siting, design and noise and advice on standards. It recommended that there should be a general condition that the development must comply with a design code. This would make the question of whether a proposal was or was not Permitted Development a matter of judgement, initially for the householder, then the installer and the Planning Authority and potentially for neighbours. Permitted Development rights would seek to avoid or minimise visual impacts and adverse effects on amenity. The guidance, including web based systems, would be clearer thereby reducing the need for developers to check with Planning Authorities.

**Solar Water Heating and Photo-Voltaics** - the issues for Permitted Development are primarily about the impact of the panels on amenity and the wider visual environment where cumulative impacts may arise. It is recommended that limits should be set in terms of protrusion (150mm) above the roof plane or wall and 60% coverage. Different considerations apply on flat roofs where the panels could generally be expected to have less visual impact but where they need to be angled towards the sun, not laid flat, if they are to work more efficiently. It is suggested that Permitted Development for solar panels on flat roofs should be subject to them being at least 1 metre from the edge of the roof allowing them to be angled to the sun providing they do not exceed 1 metre in height so as to minimise visual impacts on neighbouring property and the same 60% coverage as for pitched roofs. Solar panels can also be installed as free standing features in gardens or elsewhere within the property boundary. The research recommended that these items were adequately covered in the general recommendations on residential Permitted Development.

*Comment - the detailed guidance would remove uncertainty of where the installation of such panels may already be considered permitted development, where there is no material change to the appearance of the building and is acceptable.*

**Wind Turbines** - Small domestic scale wind turbines can either be fixed on a pole attached to the building or on a free standing mast. They differ in character from most existing domestic permitted developments because of the moving mechanical parts and potential for these to deteriorate over time due to wear and tear.

There are concerns that they can generate a degree of noise, vibration and light flicker. Their impacts depend on their siting, the number of people in the area, the surrounding buildings/environments and ambient noise levels.

To address these concerns, it is recommended that there be a limit of one turbine per house including the curtilage, and a simple distance criteria of at least 100 metres to the nearest residential property is put forward. It is accepted that a distance criterion will mean that for most built up areas and for flats a planning application will be required. For free standing turbines the masts may also have a visual impact.

*Comment - The recommended standards would effectively make most installations the subject of a planning application. Given*

*the amenity concerns raised by this type of microgeneration equipment, the proposals are acceptable.*

**Biomass** - The research recommended that these items were adequately covered in the residential Permitted Development and specific provisions were not needed under the microgeneration heading.

**Heat Pumps** - Heat Pumps collect low level heat from outside a building (from the ground, water or the air) and release it at a higher temperature inside the building. Ground and water source heat pumps require a closed loop of pipe in a large trench or submerged in water, or alternatively a vertical borehole. For ground and water source heat pumps, the equipment could be installed within the house so planning permission would not be needed for any trench or borehole but air source equipment would only be installed outside.

Air source heat pumps draw the air from just outside the building, are similar in appearance to large air conditioning units and are potentially a source of noise because of their fans and compressor. Like wind turbines, there is a risk of cumulative impacts and changing performance over times so there is the same need for precautionary approach with again a 100 metres distance limit to the nearest residential property. A distance criteria would have the effect of not granting Permitted Development rights to flats.

*Comment - The installation of underground piping would normally be exempt from planning control, however there may be implications for the disturbance of archaeological remains. The recommended standards again would effectively make most air source heat pumps the subject of a planning application. Given the amenity concerns raised by this type of microgeneration equipment, the proposals are acceptable.*

**Hydro Electricity** - Hydro schemes generate electricity by using water to turn a turbine connected to a generator. There are likely to be few opportunities for such schemes in domestic circumstances.

*Comment - Noted*

#### **Permitted Development Rights In Combination**

The question arises as to whether there should be an overall limit to the installation of micro-generation equipment under Permitted Developments rights. The purpose would be to control any cumulative impacts. The research recommended a limit of 50 kW or 45kW thermal within the curtilage of a single house.

*Comment - The imposition of a limit on the installation of micro-generation equipment under Permitted Developments rights would be in keeping with other Permitted Developments rights for domestic properties and is acceptable, however a lower limit of 35kW is suggested.*

#### **4. Implications**

There are no implications at this stage until such times as the draft regulations are finalised. It is considered that this will give more certainty in the planning process.

#### **5. Consultation**

Environmental Health have been consulted on the issue of the wind turbines.

**6. Conclusion**

It is recommended that the Committee agrees to endorse the responses raised in this consultation exercise and, together with this report, be forwarded to the Scottish Government.

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Reference :

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