



**RTPI**

mediation of space · making of place

Royal Town Planning Institute  
41 Botolph Lane  
London  
EC3R 8DL  
Tel +44(0)20 7929 9494  
Fax +44(0)20 7929 9490

Email [online@rtpi.org.uk](mailto:online@rtpi.org.uk)  
Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

Patron HRH The Prince of Wales KG KT PC GCB

Microgeneration Consultation Responses  
Communities and Local Government  
Zone 3/J5  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Our ref: Policy

Dear Sir/Madam

**PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDER MICROGENERATION  
RESPONSE BY THE ROYAL TOWN PLANNING INSTITUTE**

With reference to the current consultation on the proposals to draw up Permitted Development Rights for Householder Microgeneration I am pleased to respond on behalf of the Royal Town Planning Institute.

The RTPI is a membership organisation representing over 20,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public. The RTPI hosts a Development Management Network representing professionals engaged in planning decision making on development proposals. Its views are incorporated into this response. This response has been published on the RTPI website and may be used by you without further reference to the RTPI (see <http://www.rtpi.org.uk/item/222/23/5/3/>)

The RTPI generally welcomes these proposals as representing a significant clarification of the regulations governing domestic microgeneration. The RTPI accepts the argument that the GPDO, which was last amended before the development of microgeneration technologies or the implications of climate change were understood, needs to be updated to reflect current day Government climate change priorities and to enable innovation in emerging small scale renewable technologies.

We agree too, with the comments in the Government's recent Energy White Paper and its 2006 Microgeneration Strategy that the uncertain status of microgeneration creates economic and regulatory barriers to the wider uptake of newly emerging renewable energy systems. Our Secretary General's participation on the Group that has steered this work has demonstrated the RTPI's determination to reduce these barriers wherever possible.

There are however two important points that the RTPI wishes to raise about the nature and the scope of the consultation.

Firstly we believe it essential for the new permitted development limits envisaged should be easily understood by the general public. The RTPI has long argued that the current GPDO is not user friendly – so much so that even planners with years of professional experience have difficulty in interpreting it. We are concerned that the new Part 40 may suffer from the same problems. This would be particularly unfortunate given the novelty of technologies concerned and the need to reduce the uncertainties that surround their planning status to raise micro renewable uptake. It is essential therefore that when it comes into force the new permitted development limits must be accompanied by well drafted and well illustrated guidance that explains the limits to the general public – not just professionals such as lawyers, engineers and planners. Such guidance should have a form and status that does not encourage conflicting interpretations or legal challenges.

Our second concern relates to the restriction of these proposals rights to developments in dwellinghouses and flats. Government Energy Policy announced in the White Paper, as well as the draft PPS1 supplement to climate change and PPS 22 on renewable energy all highlight the potential for renewable energy in many other contexts. Furthermore, what is deemed significantly impactful in a residential context and hence justifying a retention of planning control, may not necessarily be so in other land use contexts. There is therefore considerable scope for the development of further microgeneration permitted development rights for non residential land uses.

In this context, we are pleased to see proposals in the Planning White Paper to draw up permitted development limits for non-domestic sites. These should be pursued as a very high priority. The RTPI has commenced conversations with stakeholders about the potential for new permitted development rights for a range of non-domestic uses and will be pleased to offer its support and participation in the endeavour to take the work of developing broader permitted development forward.

Finally, the RTPI observes that with a suite of permitted development rights for microgeneration in place, consumers will nevertheless have some very real questions about how best to use those rights in ways that are environmentally and financially prudent, whilst also safeguarding amenity. There is scope for the provision of very clear and balanced consumer advice and guidance that integrates what might traditionally be seen as planning and design advice with consumer and market advice: helping consumers to make wise choices across the range of technologies and locations for technologies available to them.

Our detailed responses to the individual questions in the consultation are attached on the pro-forma provided. Should you require any further information or assistance, please contact me or Will French, via [policy@rtpi.org.uk](mailto:policy@rtpi.org.uk) .

Yours sincerely,

**Rynd Smith**  
**Head of Policy & Practice**

## SUMMARY OF QUESTIONS

**Name of Respondent:**  
**Organisation/Body:**

Will French and Rynd Smith (contact [policy@rtpi.org.uk](mailto:policy@rtpi.org.uk))  
Royal Town Planning Institute

QUESTION	COMMENTS
<p><b><i>Question 1 – Do you agree with the principle of an impact approach for permitted development?</i></b></p>	<p>The impact approach is an appropriate way to determine what permitted development limits for different types of development should be. The approach reflects the way that planning authorities evaluate individual proposals made to them and it requires that permitted developments should relate clearly to the potential impact of the development on adjoining occupiers, the wider community and the environment.</p> <p>However the RTPI is aware that there is some confusion about the real meaning of the impact approach and its implications. These need to be clarified.</p> <p>For example, the proposals include some quite complex conditions relating to noise measurement for acoustic impact purposes. These could be difficult to enforce and have the potential to result in neighbour complaints that will require significant resource commitments to resolve. In terms of visual impact, there clearly could be levels of cumulative change to the urban environment emerging from the proposals that some will argue do give rise to a significant impact. The RTPI view on balance is that society through government must take a view on the significance of such impacts as against the potential renewable energy benefits flowing from increased microgeneration uptake. This directs us to a final view that the proposals take a broadly correct position on visual impact.</p>

<p><b><i>Question 2 - Do you agree with a restriction on development facing onto and visible from a highway in conservation areas and in World Heritage Sites?</i></b></p>	<p>There should be additional restrictions for developments that front a highway in Conservation Areas and World Heritage sites. These areas are by definition areas for which there may be issues of interest beyond the immediate community, which the local planning authority may legitimately wish to consider before new equipment is installed.</p>
<p><b><i>Question 3 - Should the restriction apply in the same way to the other types of designated area?</i></b></p>	<p>While a case can be made for applying the limits further we believe that on balance the proposed restrictions relate well to the locational considerations for renewable energy described in PPS 22.</p>
<p><b><i>Question 4 - Do you agree that the impact of noise should be dealt with by specific noise restrictions based on decibel levels at/in neighbouring dwellings in the way proposed in Annex 2?</i></b></p>	<p>Wind turbine noise has potential to cause serious nuisance to neighbouring occupiers, and effective measures to guard against this are required. We think that it should be possible to use the decibel limits proposed in Annex 2 to enforce safeguards.</p> <p>The RTPI is, however, aware of concerns about the ability of planning enforcement officers or environmental health officers to police these limits. Before the statutory limits are brought into force, we would strongly recommend that noise from a range of installed equipment should be tested using standard noise meters to verify it and to demonstrate that the proposed limits can be enforced. In undertaking such work, it will be important to ensure that the time, cost and certainty of measurements are understood, in turn providing a basis for understanding the resource implications for local government. The findings of such field testing may also help CLG to prepare guidance on the methodology of measurement.</p> <p>The fact that concerns about noise arise from a number of the technologies that are being consulted on in the present exercise makes such testing more important. Indeed we envisage that with noise become an increasingly</p>

	<p>contentious issue between neighbours the establishment of measurable noise limits and the ability to enforce them may become a tool more widely used by LPAs than simply for regulating microgeneration technologies.</p> <p>In addition it is important for CLG to confirm that conditions on noise limits inure over time. A likely scenario is for wind turbines that run quietly on installation to become noisy over the years because of age degradation and poor maintenance. It is therefore important that LPAs should be able to enforce the set noise limits beyond the four year limit after which time an unlawful development becomes lawful.</p>
<p><b><i>Question 5 - If not, what alternative approach would best address this issue?</i></b></p>	<p>It will be unfortunate if noise limits cannot be enforced in the manner proposed. However, if that turns out to be the case, perhaps following an evaluation of resource considerations, alternatives must be considered.</p> <p>The first alternative to be considered would entail a considerable departure from the established practice of drafting in the regulation of permitted development. It would involve a reconsideration of the degree to which the acoustic performance of for example, particular designs of wind turbine could be certified as ‘permitted development compliant’, a process that could as well happen under the building regulations as anywhere else. Under such an approach, only a certified turbine or other acoustic emitting device would enjoy permitted development rights.</p> <p>Whilst such an approach would involve a radical departure, it is preferred over our second alternative approach would be to impose more conservative set-back restrictions, increasing the distance that an acoustic emitter can be from an adjoining property. This approach is less well aligned to the impact approach and is likely to reduce the opportunities for householders to install micro turbines.</p>

<p><b>Question 6 - Do you support a general restriction on permitted development (as proposed at paragraph 50 above) so as to require that visual impact is minimised in exercising the rights?</b></p>	<p>The RTPi welcomes this proposal as a way to reduce unnecessary clutter in the environment. However we are unaware what evaluation there has been of the application of this provision for antennae. It would be desirable for CLG to explain how it operates, perhaps through the use of guidance.</p>
<p><b>Question 7 - Do you agree that local planning authorities should be able to restrict permitted development rights for microgeneration where the benefit from the technology is outweighed by its impact?</b></p>	<p>The RTPi agrees with the principle that local planning authorities should be entitled to restrict permitted development where benefit is outweighed by impact.</p> <p>However, Article 4 directions need to be applied responsibly. On the one hand they can provide very valuable additional controls in sensitive areas and they can help Local Planning Authorities to safeguard characteristics of the special areas that are distinctive. On the other they can be used to interfere with individual freedoms. In this instance it is important that they should not result in unnecessary restrictions that impede the installation of low impact microgeneration equipment. Before offering our view as to whether Article 4 powers should be applied to microgeneration equipment we would like to know in more detail exactly what is envisaged. Further, we would suggest that there would need to be guidance on the circumstances in which the impact benefit balance might suggest a justification for restriction and conversely where that might not be the case.</p>
<p><b>Question 8 - Do you agree that the existing protection is adequate?</b></p>	<p>We have no evidence to suppose that the existing protection is not adequate.</p>
<p><b>Question 9 - Is guidance sufficient to address the potential impact on archaeologically sensitive areas?</b></p>	<p>We have no evidence to suppose that the existing protection is not adequate. Many farming operations which are permitted development have the potential to cause far greater damage to archaeological sites.</p>

	<p>That being said, an anecdotal view offered from some members is that individual householders may be unlikely to turn to guidance before installing. If there are significant issues of potential archaeological vulnerability and impact, these may form the basis for the justified use of an Article 4 Direction.</p>
<p><b><i>Question 10 - In addition to providing advice as to the scope of the changes to the GPDO, what could guidance also usefully cover?</i></b></p>	<p>Microgeneration is a young technology about which there is considerable interest from a public that is still largely uninformed. Almost by definition those homeowners who want to install microgeneration equipment are those who are concerned about their long-term impact on the environment and they are likely therefore to want to ensure their installation is undertaken in a responsible fashion.</p> <p>As has been highlighted by the DTI's Microgeneration Strategy there is therefore an urgent need for detailed but easy to read public information which, in addition to explaining in simple English what the new permitted development limits are, should include the following:</p> <ul style="list-style-type: none"><li>- the choice of appropriate technologies, especially with regard to potential energy savings.</li><li>- how to find information on accredited suppliers and installers,</li><li>- safe installation particularly with regard to the ensuring the structural integrity of the host building,</li><li>- principles of location, siting and design.</li><li>- discussing proposals with neighbours</li><li>- how to take account of different site considerations eg archaeological sites, possible wildlife implications</li><li>- whether and from whom any non-planning approvals are required</li></ul> <p>The advice should be available on the web and in generously illustrated printed leaflets made available at the reception counter of all Local Planning Authorities.</p>

<b>Question 11 - Do you agree with the recommendations for solar microgeneration?</b>	These appear to have about the right balance.
<b>Question 12 - Do you agree that there should be no restriction in terms of the coverage of roofs and walls by solar panels? If not, what would be an acceptable percentage?</b>	Like the consultation, we see no case for restricting the coverage of roofs and walls. Instead we would prefer CLG to issue design advice as mentioned in our response to Question 10.
<b>Question 13 - Generally, should the same level of permissiveness apply to solar panels on a wall as on a roof?</b>	Again this question can best be answered by offering best practice design advice rather than trying to impose limits which are bound by their nature to arbitrary.
<b>Question 14 - Do you agree with a minimum separation distance of 5m to the boundary of a highway or neighbouring property for a stand-alone solar unit?</b>	The proposed separation distance of pole or frame-mounted standalone units appears to be well based on the impact approach. However the situation for installing panels on a more robust structure such as car port appears to be different. These cases should be treated in the same way as garden outbuildings as is proposed in the parallel consultation on the review of Part 1 of the GPDO.
<b>Question 15 - Do you agree with the recommendations for heat pumps?</b>	These appear to have about the right balance.
<b>Question 16 - Do you agree that the likely impact of noise from ASHPs should be dealt with by specific noise restrictions in the same way as proposed for domestic wind turbines?</b>	Yes, however our observations in response to Question 4 apply here too.

**Question 17 - Do you agree with the recommendations for wind turbines?**

Domestic wind turbines are potentially the most contentious technology consulted on in this exercise. We are aware of arguments that in many locations the embedded energy in wind turbines will never make them a truly green technology, having regard to the low wind and hence energy yield obtainable 'close to the rooftops' within the typical urban environment. We are also aware that in many locations wind turbines are simply inappropriate.

Yet, however valid these concerns, they do not provide an argument for resisting the development of permitted development rights for wind turbines. The Draft Planning and Climate Change Supplement to PPS 1 provides the significant guidance that applicants should not have to demonstrate the overall need for renewable energy or for their particular proposal to be sited in a particular location. That guidance appears to underscore the principle that the primary task of planning regulation for renewable technologies is to assess their acceptability in terms of their impact on neighbours, the wider community and the environment. The present proposals pursue this rationale by setting proposed permitted development limits on the basis of their anticipated impacts and not on how much or indeed whether at all the technology contributes to carbon reduction or enhances energy security.

There is also the argument that by setting a more rather than less open opportunity to use permitted development rights, innovation is driven that may lead to turbine technologies that will exploit smaller wind resources for greater energy benefits or with shorter energy or financial payback periods.

With these comments in mind, and subject to our response to Question 4 we generally endorse the proposals for wind turbines.

<b><i>Question 18 - Do you agree that the likely impact of noise from turbines should be dealt with by specific noise restrictions in the way proposed?</i></b>	Yes, see our observations in response to Question 4.
<b><i>Question 19 - Do you agree with the recommendations for biomass?</i></b>	These appear to have about the right balance.
<b><i>Question 20 - Do you agree with the recommendations for CHP?</i></b>	These appear to have about the right balance.
<b><i>Question 21 - Do you agree there should be no additional permitted development rights for hydro?</i></b>	Yes. The demand for micro-hydro units is likely to remain limited, contingent on a proponent having access to a head of water or run of water site together with the very individual site characteristics that would then bear on viability would make it almost impossible to develop useful permitted development limits for them.