



RTPI

mediation of space · making of place

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PD Rights for Domestic Microgeneration Equipment
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13 May 2008

Dear Nick

PD Rights for Domestic Microgeneration Equipment

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2000 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

Our detailed comments on the content of the consultation paper are set out in the Annex to this letter, and a few general comments are noted below.

General comments

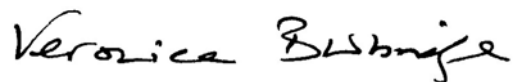
The Institute supports the encouragement of domestic microgeneration from renewable sources, but believes that 'God is in the details' and would not like to see its introduction causing unnecessary difficulties between neighbours to the detriment of the wider planning system.

The Institute notes that noise criteria were recognised as important by the Scottish research exercise that informed this consultation, and we hope that they can be introduced given the potential for neighbourly upset and stress which, real or imaginary, they could otherwise helpfully quantify.

It is difficult to comment with any certainty in the continuing absence of awaited proposals for changes in general permitted development matters, but it is hoped that some positive messages can be taken from the points made in the response at Annex 1.

Thank you once again for the opportunity to comment. The Institute trusts that these responses are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL; phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk

Yours sincerely

A handwritten signature in black ink that reads "Veronica Burbridge". The signature is written in a cursive, slightly slanted style.

Veronica Burbridge
National Director RTPi in Scotland

ANNEX 1

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.

Yes. Manmade objects – such as houses – frequently give scale to important landscapes, and this is particularly true of traditional buildings: there should be no automatic approval by PD in Conservation Areas, World Heritage Sites, NSAs, IGDLiS sites. or National Parks, nor in the curtilages or settings of any of these.

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.

Where specially designated flora and fauna sites have significant landscape values, PD rights should also be constrained.

3 – Should PD rights for microgeneration equipment, except wind turbines, be granted in areas designated for their built heritage value providing that the principal elevation fronting a highway is unaffected?

No. PD rights should be restricted in such areas, including their curtilages and settings: this refers to designated built heritage sites – including listed buildings, scheduled monuments, IGDLiS sites, Conservation Areas, WHSs - and their settings. Such impacts are not restricted to a single elevation to a road, footpath or other public viewpoint.

4 – Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment? If not, what specific provisions are necessary?

No. Such development within their curtilages and settings should have no PD Rights: this should also apply to SAMs, IGDLiS, WHSs, and Cas.

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. There is a substantial difference between the terms *curtilage* and *setting*.

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

No. The sentence cited does not form a soundly-based condition.

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 and why?

No. The concept of a roof which is transformed to the extent of 60% of its area yet still retaining an unaltered character and integrity is not one which the Institute recognises. We consider that a maximum of 30% of any area of a single roof plane should be the PD limit in non-designated areas.

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

Yes.

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 we do not agree. PD should not apply where the roof is overviewed by adjacent buildings or the public. Assuming that the roof is basically flat, with a 1m set back and a 1m height limit above the roof plane we can see no reason not to have 100% of the rest of the roof available for panels.

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. This should be 2m high maximum, or the height of any boundary wall, whichever is the greater, to the axis of the rotor

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

No. Noise should be a factor (SE Research paper applies) which is certified by installers. If noise is a factor, then existing background noise will take account of any cumulative effects. The 100m distance is a red herring.

13 – If you agree with question 11 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

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 of the roof and one per building)

No. The axis of the rotor should be no higher than the highest part of the roof, excluding any chimney cans, added aerials and the like.

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.)

This depends on the locale. We suggest that for PD purposes the maximum height of the turbine rotor axis be 3, 6 or 9m depending on the height of adjacent properties – one, two or three storeys respectively. We are not persuaded that there should be a maximum distance from the boundary or only one turbine per curtilage: the idea that a turbine would only fail by simple collapse is perhaps naive.

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. Again this is a meaningless and unenforceable condition. Perhaps all installations should be coloured “Roads Department Grey”?

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.

No. They should be no higher than the highest point of the roof, and see above for comments on “principal elevation in CAs” and visible from public views, curtilages, settings and associated matters

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, although again we are unable to consider the implications of this fully since the GPDO consultation paper has not yet been issued.

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?

Yes, except in archaeologically sensitive areas.

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?

In general we do not believe flats should have PD rights. Unfortunately there is no evidence offered that 100m distance offers significant benefits. If noise is a potential hazard then it must be controlled effectively, otherwise the planning system will be brought into disrepute.

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

Distance criteria are not appropriate – see 20 above.

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?

No. The PD limit should be the highest point of the roof. See above for appropriate circumstances and exact wording (curtilage, setting, viewed from a public place) relative to the last line.

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:

No.

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?

In any circumstances, any PD rights should be subject to

- noise criteria and
- no adverse impact on nature conservation interest or flooding potential

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 Limits! PV and solar heating elements should not be combined to cover more than 30% of any roof pitch, but otherwise (see above) subject to noise considerations/control and restrictions outlined above, folk should be encouraged to take sensible advantage of microgeneration opportunities.

26 – Are the proposals for PD likely to have particular impacts on societal groups?

No comment.