

RTPI Cymru



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[wales@rtpi.org.uk](mailto:wales@rtpi.org.uk)

25<sup>th</sup> June 2010

Microgeneration Permitted Development Consultation  
Plans Management and Performance Branch  
Planning Division  
Welsh Assembly Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir / Madam

**Consultation Response: Microgeneration and Low Carbon Energy Technologies: Proposed Changes to Permitted Development Rights for Non-domestic Premises and Householder (Turbines, Air Source Heat Pumps and Solar Panels on Flat Roofs)**

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 22,000 spatial planners; RTPI Cymru represents the interests of almost 1,100 members in Wales. It exists to advance the science and art of town planning for the benefit of the public.

This document responds to the invitation to comment on the proposed changes to Permitted Development Rights for certain microgeneration and low carbon technologies. The response has been formed following consideration by RTPI Cymru's Policy and Research Forum.

The RTPI commends the Welsh Assembly Government in its initiative to make it easier for householders and businesses to install renewable technologies. This is a positive step on the path towards making our energy supply more secure and less carbon-intensive and micro-renewables such as solar and heat pumps have an important role to play. The visibility of micro renewables within the urban environment will also raise awareness of the need to diversify our energy sources and energy use.

It is also important that the proposals take account of local circumstances, the historic townscape, and the rural landscape to ensure the measures are workable, justly applied and flexible enough to adapt to the fast-changing technologies.

The proposals do not appear to restrict the extension of PD rights within National Parks or AONBs. Whilst the RTPI is not in principle against installation of these technologies in these areas, care does need to be taken in their siting. There also needs to be control regarding the cumulative impact of numerous installations in any particular area within these sensitive areas. We would therefore recommend that PD rights are not extended in National Parks or AONBs.

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**Head Office: 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)

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It is arguable whether the aim of reducing the number of minor applications for commercial and non domestic developments in line with the recommendations of the GVA Grimley study into the Planning Application Process in Wales (June 2010) will be achieved to any great extent by the proposed measures particularly in relation to wind turbines on domestic properties, especially having regard to the limited uptake of permitted development under the existing GPDO amendment.

Similarly, the reduction in formal applications for planning permission will be mirrored by a proportional increase in enforcement related requests for service and applications for Certificates of Lawfulness to establish the planning position. This will result in the shifting of focus of local authority planning staff from the processing of planning applications to dealing with more enquires at the pre-application stage, as well as generating more enforcement enquiries.

The RTPi considers it fundamentally wrong to introduce a prior approval procedure for the reasons set out above and as a further variant to existing prior approval procedures. This is unduly bureaucratic. Further, the information, details and drawings necessary to determine such an application are comparable to those required when seeking full planning permission.

The proposals requiring a prior notification procedure for structures to house hydro-turbines also seem unnecessary, as the erection of such structures forms an integral part of a development, which in itself requires planning permission.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification.

Yours sincerely,



Roisin Willmott  
National Director  
RTPi Cymru  
PO Box 2465  
Cardiff / Caerdydd  
CF23 0DS  
e-mail / e-bost: [roisin.willmott@rtpi.org.uk](mailto:roisin.willmott@rtpi.org.uk)

## RTPI Cymru Response to:

**Microgeneration and Low Carbon Energy Technologies: Proposed Changes to Permitted Development Rights for Non-domestic Premises and Householder (Turbines, Air Source Heat Pumps and Solar Panels on Flat Roofs).** June 2010.

	CONSULTATION QUESTIONS	Y	N	Comment
<b>General</b>				
Q.1	Do you agree with the proposals to limit noise impacts? If not, what alternative would you suggest?	X		Noise levels will be difficult to enforce against in future years after installation.
Q.2	Do you agree that the requirement to have MCS certification is appropriate? If not, what alternative would you suggest?	X		However, there may be practical issues of officers obtaining copies of certificates.
Q.3	Do you agree with the proposals to allow anemometer masts where the subsequent turbine would also be permitted development, subject to the anemometer mast having a maximum height equivalent to the relevant permitted development limit, a maximum 12 month trial period and a removal condition?	X		It is important to have mast data to ensure that the turbine is worth erecting and well sited to make best use of the wind resource.
<b>Non-domestic proposals</b>				
Q.4	Do you agree with the proposals for wind turbines on non-domestic premises, as set out in Tables 1 and 2?	X		There are no conditions for Conservation Area as far as can be seen. Conditions should be imposed for wall mounted panels.  In terms of decommissioning, it is suggested that the equipment be removed within a more specific timescale (28 days?) if no longer being used
Q.5	Do you agree with the proposals for air source heat pumps on non-domestic premises, as set out in Table 3?	X		In World Heritage Sites and Conservation Areas planning permission is needed if visible from the highway. Would it be acceptable if it is screened?
Q.6	Do you agree with the proposal for ground and water source heat pumps on non-domestic premises, as set out in Table 4?	X		In terms of making the land good following installation. How do you enforce against what the land looked like before? The LPA is unlikely to have evidence of this.
Q.7	Do you agree with the proposals for solar panels on non-domestic premises, as set out in Tables 5, 6 and 7	X		It should not be PD if facing a highway in a Conservation Area, but if it is the most effective elevation (south), this should be balanced against preserving the visual amenity of Conservation Area.  In terms of decommissioning, it is suggested that the equipment be removed within a more specific timescale (e.g. 28 days?) if no longer being used.
Q.8	Wall mounted solar panels visible from a highway bounding the site are to be excluded from permitted development in world heritage sites and conservation areas, should wall mounted panels also be excluded entirely within town centre areas as proposed in Table 6? If so, how		X	In terms of excluding wall mounted panels, why is it considered to be more of an impact in a Town Centre? It depends on the elevation that the panel would be located and what visual affects it may have.  Any potential impact on highway users would be

	should town centre be defined?			covered (as per question 7).  Town Centres should be clearly defined by boundaries in any UDP/LDP.
Q.9	Stand alone solar panels visible from a highway bounding the site are to be excluded from permitted development in world heritage sites and conservation areas (Table 7), should this be extended to national parks and areas of outstanding natural beauty?	X		
Q.10	If the maximum height of stand alone panels (Table 7) is reduced could the area of array allowed be increased without undue impact? If so what area of array would be appropriate?		X	How do you set a boundary as to what is considered to have less of an impact, depends on the size and location of the site etc
Q.11	Do you agree with the proposal for flues for biomass systems and combined heat and power (CHP) systems on non-domestic premises, as set out in Table 8			Clarify if this is just for the flue or the plant as a whole? What if the flue is at single storey level next to 2 storey level? EHO may have concerns.
<b>Agricultural and forestry proposals</b>				
Q.12	Do you agree with the proposal for structures to house, biomass boilers, anaerobic digestion system and associated waste and fuel stores on agricultural and forestry premises as set out in Table 9?	X		
Q.13	Do you agree that prior notification procedure is the most appropriate way of controlling hydro-turbine equipment on agricultural and forestry premises as set out in Table 10?	X		This is unclear and seems unnecessary.  If it doesn't relate to structures placed in the water course for run of river schemes, does it mean for buildings associated with impoundment hydro schemes? In either case, it is the norm for the erection of such structures to form an integral part of a development to enable the use which in itself requires planning permission.
<b>Domestic proposals</b>				
Q.14	Do you agree with the proposal that there should not be permitted development rights for domestic building mounted turbines? If not, then should building mounted turbines be allowed: a) Generally on detached dwellings or outbuildings subject to the thresholds in Annex C? b) Only on detached dwellings or outbuildings sited at a minimum distance from a boundary? c) Only on detached dwellings or outbuildings located in rural areas (e.g. outside a settlement boundary shown in an adopted development plan for the area)? d) Subject to limitations other than those suggested at a) to c)	X		Blanket approach would be preferable as otherwise it would be difficult to enforce against unless there were clear boundaries set out.

	(please specify in your response?)			
Q.15	Do you agree with the proposals for domestic stand alone turbines as set out in table 11?		X	This is too complicated, with too many small sticking points and restrictions. It is suggested that to encourage free standing domestic turbines whilst retaining LPA control and that a free planning application for free standing turbines is offered. This would allow the LPA to retain control over siting and any amenity issues and visual impact.  In terms of decommissioning, it is suggested that the equipment be removed within a more specific timescale (e.g. 28 days?) if no longer being used.
Q.16	Do you agree with the proposals for air source heat pumps on domestic premises, as set out in Table 12?	X		Again there is a need to clarify the visible from Highway issue. Maybe be more effective if it was 'Adjacent to ..'
Q.17	In addition to the current permitted development rights for domestic solar panels do you agree with the proposals for panels sited on flat roofs as set out in Table 13?		X	It is arguable on a pitch roof there is no elevation facing a highway. Clarity is needed over visible from a highway in a Conservation Area. The raised height of 1m is too large.
Q.18	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.			
<b>Glossary of terms – Annex A</b>				
Q.19	Do you agree with the definitions used for the purposes of this document?		X	There appears to be a number of grey areas that are not easily enforceable.  The hydro section is unclear.  More clear cut guidelines relating to Conservation Areas are needed.
Q.20	Do other concepts or technologies need specific definitions?		X	
<b>Consultation Stage Impact Assessments – Annex B</b>				
Q.21	Do you think that the impact assessments provide an accurate assessment of the likely costs and benefits of the preferred policy options?	X		

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here and indicate the reason for this: