



Association for the
Conservation of
Energy

Welsh Assembly Government consultation: *“Microgeneration and Low Carbon Energy Technologies: Proposed Changes to Permitted Development Rights”*

ACE response – July 2010

Introduction to the views of ACE

The Association for the Conservation of Energy (ACE) is a lobbying, campaigning and policy research organisation, and has worked in the field of energy efficiency since 1981. Our lobbying and campaigning work represents the interests of our membership: major manufacturers and distributors of energy saving equipment in the United Kingdom. Our policy research is funded independently, and is focused on three key themes: policies and programmes to encourage increased energy efficiency; the environmental, social and economic benefits of increased energy efficiency; and organisational roles in the process of implementing energy efficiency policy. We welcome this opportunity to respond to the consultation.

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General points

ACE welcomes the Welsh Assembly Government's decision to grant permitted development rights to microgeneration technologies. It is clear that microgeneration will have a significant role to play in meeting the Welsh Assembly Government's ambitious carbon reduction targets only if the current barriers to their installation are substantially reduced. We welcome many of the proposals set out in the consultation paper as a small step in the right direction.

However, we believe the approach taken in much of the consultation paper is too restrictive and is out of step with the Welsh Assembly Government's ambition to significantly cut carbon emissions in Wales. The proposals as they currently stand lack ambition for Wales.

While the proposals in this consultation represent a step in the right direction, if the Welsh Assembly Government is serious about increasing the uptake of microgeneration by removing potential costs or administrative barriers, then we would like to see more ambitious proposals brought forward.

As a general rule, while we understand the motivation behind the proposal not to grant permitted development rights in and around historic buildings, we do not believe that such a 'blanket exemption' approach is helpful. Rather, because of the importance of rapidly reducing greenhouse gas emissions from the built environment, we would prefer permitted development within and around historic buildings to be granted, and for planning authorities to issue 'Article 4 directions' for specific historic buildings which should be protected against inappropriate development. We prefer this approach for two reasons:

Firstly, because of the importance of reducing greenhouse gas emissions from the built environment, the presumption should always be in favour of granting permitted development, even in designated areas, unless there is good reason not to do so. Treating designated areas as a 'class exemption' from PD would run counter to this and would not in our view be appropriate.

Secondly, where PD rights are withdrawn under Article 4 Direction, no planning fee is required, thus removing one of the barriers to the take up of microgeneration. This would again be preferable to granting a 'class exemption' from PD in designated areas, which would then require a planning fee.

Specific questions and answers

	CONSULTATION QUESTIONS	Y	N	Comment
General				
Q.1	Do you agree with the proposals to limit noise impacts? If not, what alternative would you suggest?		N	We agree with the proposed 45 db noise limit but do not see any justification for the proposed limit of one installation per property, which appears entirely arbitrary. We would suggest this limit is removed and a cumulative 45 db limit imposed instead.
Q.2	Do you agree that the requirement to have MCS certification is appropriate? If not, what alternative would you suggest?	Y		Yes, this seems appropriate.
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?	Y		Yes, this appears appropriate.
Non-domestic proposals				
Q.4	Do you agree with the proposals for wind turbines on non-domestic premises, as set out in Tables 1 and 2?		N	We agree the proposals appear broadly proportionate, though the limits for blade height and hub height appear unnecessarily restrictive. We would prefer to see these restrictions eased.
Q.5	Do you agree with the proposals for air source heat pumps on non-domestic premises, as set out in Table 3?		N	It seems arbitrary to limit the number of air source heat pumps to one per property, especially when a pump that is within the 2 cubic metre size limit might not be sufficient to heat larger premises. And, as above with wind turbines, the size of the premises affects the cumulative impact of noise, so perhaps more could be allowed on larger premises. In addition cumulative noise is less of a concern in non-domestic premises.

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?		N	The 0.5 ha threshold appears arbitrary. We suggest removing this threshold.
Q.7	Do you agree with the proposals for solar panels on non-domestic premises, as set out in Tables 5, 6 and 7?	Y		These proposals appear broadly proportionate, with the exceptions set out below.
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 should town centre be defined?		N	<p>We do not agree that solar panels within the parameters outlined should be excluded from permitted development. Rather, we would prefer solar panels, including those visible from the road, to be included within the GPDO. We understand that in those cases with an exceptionally high built heritage value, planning authorities are able to remove PD rights through ‘Article 4 Directions’. We would prefer this approach, for two reasons.</p> <p>Firstly, because of the importance of reducing greenhouse gas emissions from the built environment, the presumption should always be in favour of granting permitted development, even in designated areas, unless there is good reason not to do so. Treating designated areas as a ‘class exemption’ from PD would run counter to this and would not in our view be appropriate.</p> <p>Secondly, where PD rights are withdrawn under Article 4 Direction, no planning fee is required, thus removing one of the barriers to the take up of microgeneration. This would again be preferable to granting a ‘class exemption’ from PD in designated areas, which would then require a planning fee.</p> <p>Lastly, while we understand the motivation behind – but do not agree with – the proposal to remove wall-mounted solar panels within world heritage or conservation areas from GPDO, we see no such justification for removing these installations from GPDO within city centres: indeed microgeneration in such areas should be actively encouraged.</p>

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?		N	Because of the limited visual impact of solar panels, they should be treated as permitted development within national parks and areas of outstanding natural beauty. See also our comments in response to question 8, above.
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?			We do not agree with the suggestions for size of array or maximum height set out in table 7, since these are too restrictive.
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?		N	The restriction on number of flues per property appears entirely arbitrary and should be removed.
Agricultural and forestry proposals				
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?		N	We question whether the restriction that material for the unit must be produced on the farm is enforceable. We suggest this restriction should be removed.
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?	Y		This appears broadly appropriate.
Domestic proposals				
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		N	The proposal not to grant permitted development rights to domestic building-mounted turbines is too restrictive and is completely out of step with the WAG's stated aim to cut greenhouse gas emissions in Wales. We suggest that building-mounted turbines are included within the GPDO where they have a maximum turbine diameter of 2.5m and a maximum hub height of 5 metres above the highest part of the roof for horizontal axis wind turbines. For vertical axis wind turbines, we suggest that the longest dimension of vertical

	<p>minimum distance from a boundary?</p> <p>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)?</p> <p>d) subject to limitations other than those suggested at a) to c)(please specify in your response?</p>			<p>axis turbines should not exceed 5 metres. Alternatively, an approach based on the swept area of the turbine may be more pragmatic.</p>
Q.15	Do you agree with the proposals for domestic stand alone turbines as set out in table 11?		N	The 100m threshold and the restriction on the number of turbines per property are entirely arbitrary and should be removed. We also disagree with blanket removal of GPDO rights from designated buildings, and would prefer an Article 4 directive approach to protecting historic buildings from inappropriate development, as set out above.
Q.16	Do you agree with the proposals for air source heat pumps on domestic premises, as set out in Table 12?		N	The cubic volume threshold and the number of installations per property are entirely arbitrary and should be removed. As above, we would prefer an Article 4 direction approach to be taken to historic buildings.
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?		N	The proposals are far too restrictive. The one metre height restriction is entirely arbitrary and should be removed. The 'visible from a highway' restriction would encourage sub-optimal siting of solar panels and should be removed. As above, we would prefer an Article 4 directive approach to be taken to historic buildings.
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.			
Glossary of terms – Annex A				
Q.19	Do you agree with the definitions used for the purposes of this document?	Y		These appear appropriate.
Q.20	Do other concepts or technologies need specific definitions?		N	None that we can foresee.
Consultation Stage Impact Assessments – Annex B				
Q.21	Do you think that the impact assessments provide an accurate			No comment.

	assessment of the likely costs and benefits of the preferred policy options?			
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