



# Permitted Development Rights for Householder Microgeneration

## **Government response to consultation replies**





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Microgeneration

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## Introduction

1. On 4 April 2007 Communities and Local Government issued for consultation a paper – *Changes to Permitted Development – Consultation Paper 1: Permitted Development Rights for Householder Microgeneration* – on the extension of householder permitted development rights for microgeneration. The consultation paper sets out the Government’s proposals for changes to the planning system in relation to the installation of microgeneration equipment for domestic properties. The paper explained the changes proposed for extending and clarifying the scope of permitted development.
2. The Planning White Paper – *Planning for a Sustainable Future* – was published on 21 May 2007. At the same time the Government also published a consultation paper on more general householder permitted development rights.
3. The objectives for both sets of permitted development proposals were similar – to provide a clear set of rules that would provide extra freedom for permitted development so long as it had little or no impact beyond the host property. As a consequence minor planning applications would be removed from the system. For microgeneration, there was also the desire to make it easier for householders to help combat the threat of climate change by producing their own energy from renewable sources.

## Consultation Responses

4. A total of 262 responses (see Annex 1 for a list of respondents) were received to the consultation document from the following groups:
  - Local planning authorities – 112 responses (43% of the total)
  - Members of the public – 60 (23%)
  - National organisations – 35 (13%)
  - Businesses – 26 (10%)
  - Community groups – 20 (8%)
  - Environmental groups – 9 (3%)
5. The response was generally positive, with much of the comment related to points of detail as to how the measures proposed would be implemented, rather than any opposition to what the proposals are aiming to achieve. The analysis below provides a summary of the responses to each of the major issues in turn.

## Government Response

- 6.** The Government wants to encourage the widest possible take-up of microgeneration equipment whilst ensuring the reasonable interests of neighbours, the environment and the wider community are protected.
- 7.** In the light of the responses to the consultation, the Government now intends to provide permitted development rights for the following types of microgeneration: solar panels, wind turbines, heat pumps, biomass and combined heat and power, subject to specific limits and conditions that will ensure that any adverse impact on others is not significant.
- 8.** We believe that a national framework that provides the base level of permitted development will help to combat the threat of climate change. However, we also accept that it might be necessary in certain instances for these rights to be amended locally – either by providing additional permitted development rights through local development orders or restricting them through the use of Article 4 Directions. Where justified we encourage planning authorities to consider using these powers.
- 9.** Standards will need to be set on noise and vibration, for wind turbines and air source heat pumps to ensure neighbours are not disturbed by the development. For that reason, permitted development rights for wind turbines and air source heat pumps will be implemented as soon as these standards and safeguards have been drawn up and put in place. These will be dealt with principally through further work being led by the Department for Business, Enterprise and Regulatory Reform which is working with the industry to develop a certification scheme for microgeneration that covers both standards for products and their installation. The limits and conditions for householder microgeneration are set out in the table below.
- 10.** We will be bringing forward secondary legislation to implement these changes for householder microgeneration in Spring 2008.

**Table 1: Permitted Development for Domestic Microgeneration**

Technology	Decisions
<b>Solar</b>	<p><i>Solar Panels fixed to roof or wall:</i></p> <p>Fixed solar panels to be permitted development, with no limit to the area or roof or wall that could be covered, subject to the following restrictions.</p> <ul style="list-style-type: none"> <li>• Panels should not project more than 150mm from the roof or wall.</li> <li>• They should not face onto and be visible from the highway in conservation areas or World Heritage Sites.</li> </ul> <p><i>Stand-alone units</i></p> <p>Stand-alone units to be permitted development, subject to the following restrictions:</p> <ul style="list-style-type: none"> <li>• Units no higher than 4m.</li> <li>• Distance from boundary 5m or more.</li> <li>• Size of array limited to 9m<sup>2</sup> (3m width and 3m depth).</li> <li>• They should not be installed within the curtilage of a listed building.</li> </ul>
<b>Heat Pumps</b>	<p><i>Air source</i></p> <p>Air source pumps to be permitted development subject to new standards and safeguards on, in particular, noise and vibration.</p> <p><i>Ground source and water source</i></p> <p>To be permitted development.</p>

**Table 1:** Permitted Development for Domestic Microgeneration

Technology	Decisions
<b>Wind Turbines</b>	<p>To be permitted development subject to new standards and safeguards on, in particular, noise and vibration and the following restrictions:</p> <p><i>Wind Turbines on buildings</i></p> <ul style="list-style-type: none"> <li>• Less than 3m above ridge (including blade).</li> <li>• Diameter of blades less than 2m.</li> <li>• No permitted development in conservation areas or World Heritage Sites.</li> </ul> <p><i>Stand-alone Turbines</i></p> <ul style="list-style-type: none"> <li>• Less than 11m in height (including blade).</li> <li>• Diameter of blades less than 2m.</li> <li>• At least 12m from a boundary.</li> <li>• They should not face onto and be visible from the highway in conservation areas or World Heritage Sites.</li> <li>• They should not be installed in the curtilage of a listed building.</li> </ul>
<b>Combined Heat and Power and biomass</b>	<p>To be permitted development subject to the flue being no more than 1m above the ridge line of the highest part of the roof and not facing onto and visible from a highway in a conservation area or World Heritage Site.</p>
<b>Hydro</b>	<p>Not to be permitted development.</p>

## Analysis of Responses

### *Question 1: Do you agree with the principle of an impact approach for permitted development?*

#### **Consultation Response**

- 11.** 91% of those who responded to this question agreed with the principle of having an impact approach for permitted development and accepted the potential benefits that were outlined in the consultation paper of such an approach.
- 12.** Of the 9% that did not clearly signal support, 6% was made up of those that disagreed with the impact approach. Some of this opposition resulted from a misunderstanding of the proposal and concern that an approach that required a case by base assessment of impact would be onerous on planning authorities, too subjective and confusing and lead to difficulties with enforcement. However, similar concerns were also raised by others who understood that limits and conditions would be set nationally and not rely on a case by case assessment. A further objection to the approach was that it did not take account of the much bigger impact that climate change was having globally and paid too much regard to other factors, for example, the visual impact of microgeneration.

#### **Government Response**

- 13.** The Government intends to use the impact approach as a basis for determining permitted development rights for householder microgeneration.

### *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?*

#### **Consultation Response**

- 14.** The majority of respondents to this question, 72%, agreed with the proposed restriction given the need to provide a higher degree of protection given their greater sensitivity to any visual impact. However, 23% of respondents did not support the approach proposed in the consultation paper. Amongst this group there was a wide range of reasons for believing the proposal was wrong. A minority thought that the approach proposed was too restrictive and that a blanket presumption against development at/on the front of buildings was wrong given the many different types of area that would be “protected” under this proposal.

15. A more widespread concern though was that these proposals did not go far enough and there were two main reasons for this. First, there was opposition to the proposal that only conservation areas and World Heritage Sites would benefit from the greater level of protection against development and that it should apply to other areas – Areas of Outstanding Beauty (AONBs), National Parks and the Broads being the most commonly cited. This concern is also relevant to question 3. However, for the purpose of this summary it is important to note this is the source of some of the opposition to this proposal.
16. The second concern was around the idea that the restriction required the development to be both facing onto and visible from the highway. There were concerns that it did not recognise that development to the side or rear can potentially be as harmful, and that the wording of the restriction was too vague (both on “highway” and “visible from”).

#### **Government Response**

17. The Government intends to restrict some development in conservation areas and World Heritage Sites.

#### ***Question 3: Should the restriction apply in the same way to the other types of designated area?***

#### **Consultation Response**

18. As noted in the summary on the question above there was concern about the Government’s proposal to provide additional protection from visual impact only to conservation areas and World Heritage Sites. This concern was signalled clearly by the 71% of those that responded who believed the proposed approach should be amended so as to apply to other sensitive areas – the vast majority suggesting that the additional protection should be extended to AONBs, National Parks and the Broads. It was argued strongly that these areas were equally sensitive to visual impact and therefore should be offered similar protection in line with the approach taken on permitted development more generally.
19. In response to this question, it was also pointed out that the statement in the consultation paper that said that Listed Building Consent was required for works that could potentially affect a listed building was incorrect as it was primarily required where the work was to a listed building. For that reason it was suggested that consideration should be given to a further restriction on development within the curtilage of a listed building.

- 20.** 27% accepted the Government's proposal, that additional protection should not be afforded to other areas given the need to tackle climate change and the different nature of the areas. This 27% was made up of both those that accepted the need for protection in some areas, for example, National Parks and World Heritage Sites as proposed for question 2, but didn't think it was required elsewhere, and those that said that given the need to increase the take-up of microgeneration there should be no additional restrictions anywhere.

### **Government Response**

- 21.** The Government has noted the representations received on the need to apply additional restrictions on permitted development to National Parks, AONBs and the Broads in the same way as for conservation areas and World Heritage Sites. However, the Government considers that the priority is to encourage the take-up of microgeneration. Many of the homes in these areas may be well placed to benefit from these rights. We do not, therefore, propose to extend any additional restrictions to these other areas. Local planning authorities will, of course, be able to use their Article 4 powers to impose additional control where this is justified locally.

***Question 4: Do you agree that the likely impact of noise should be dealt with by specific noise restriction based on decibel levels at/in neighbouring dwellings in the way proposed in Annex 2?***

### **Consultation Response**

- 22.** The reaction to this question was split with 47% expressing approval for the proposed approach and 45% opposing. Of those that expressed support, it should also be recognised that this was often still despite concerns about particular aspects of what was proposed – generally along the lines of those opposing the Government's proposal (which is dealt with below).
- 23.** Of the 45% of respondents that opposed the proposal, the reasons for opposition can be summarised as either the practical difficulties of such an approach or the inadequacy of the particular limitations proposed.

- 24.** Dealing with the former first, there was significant concern about the complexity of the proposals. It was argued that this would result in practical difficulties for the microgeneration industry, consumers and local planning authorities. In particular there was concern about who would be responsible for determining whether something was permitted development, with planning authorities expressing clearly the possible resource implications for them if it was eventually up to them to determine. It was argued that this problem was compounded by the lack of reliable and detailed information about the performance, in relation to noise, of products. Also the lack of right to access neighbouring properties to assess noise levels could present difficulties for householders and the industry. There were concerns also that the noise generated by a turbine might increase over time, for example, as the technology ages and is not maintained.
- 25.** With regard to the latter theme, a number of respondents highlighted the lack of any reference to the background level of noise given that this is a factor in the relative impact. They also commented that noise from turbines is likely to increase with wind speed and that background noise will too. There was also concern that the proposals did not consider properly potential cumulative impact of a number of devices – both concern that the 5dB reduction on noise limits that was proposed to address this was unduly restrictive or that it offered insufficient protection.

#### **Government Response**

- 26.** See the response below Question 5.

#### ***Question 5: If not, what alternative approach would best address this issue?***

#### **Consultation Response**

- 27.** Building on the previous question, 81 respondents suggested alternative approaches or improvements to the proposal. The two most supported proposals were to deal with noise through industry standards or to limit permitted development rights by imposing separation distances.
- 28.** The first would place the onus on the microgeneration industry to provide more information on the performance of their product, but would offer a much simpler and more practical solution than that proposed in the consultation paper. The second suggestion to impose separation distances would be even more straightforward for compliance assessment, although there was recognition that this was less well aligned to the impact approach and may well reduce the opportunities for householders to install microgeneration.

## Government Response

- 29.** The Government believes restrictions on noise are needed to safeguard the interest of neighbours. However, we accept the legitimate concerns raised about the potential drawbacks of seeking to control noise in the way proposed. In the light of these concerns the Government now proposes to address the impact of noise through work currently being undertaken to establish industry standards for microgeneration products and their installation. Our aim is to ensure that this work, being led by the Department for Business, Enterprise and Regulatory Reform, to develop a microgeneration certification scheme for renewable technologies, will provide a way to link permitted development to the use of certified products and installers. This would mean there would be clear standards that products would be required to meet and a list of certified products and installers.

***Question 6: Do you support a general restriction on permitted development (as proposed at paragraph 52 [of the consultation paper]) so as to require that visual impact is minimised in exercising the rights?***

## Consultation Response

- 30.** 76% of responses to this question supported a restriction that sought to minimise visual impact along the line proposed and accepted the reasoning behind this imposed condition (although there was a little concern that the phrasing of the restriction in the proposal was too subjective). There was widespread recognition that it was correct to try and ensure that visual impact was properly considered when deciding what was permitted development and that this proposal was therefore a necessary further safeguard (although it was questioned by some whether the proposals overall gave sufficient weight to visual impact). In addition, it was also argued that whether something was acceptable as permitted development should also depend on the contribution that that technology made in supplying renewable energy. This was a particular concern in relation to the performance of wind turbines in some environments (see also the summary of responses to question 7 below). In addition, the proposal that redundant equipment should be removed as soon as reasonably practicable was generally welcomed although there was some suggestion that this should be refined slightly to require removal within a certain time period.
- 31.** Of the 17% that expressed opposition a number of reasons were given for not supporting this approach. Some of this echoes the concerns recognised by those supporting the proposal about a certain lack of clarity about what

the restriction amounted to. This, it was argued, would make it difficult for planning authorities to enforce and, given the somewhat subjective nature of any assessment, lead to unwelcome variation of what was permitted. Finally, there was some worry about the tension between a requirement to minimise visual impact and the need to maximise the productive efficiency of a particular technology – solar panels being cited as being particularly sensitive in this regard.

### **Government Response**

- 32.** The Government notes the generally supportive response to this proposal and will consider what if any minor change might be needed to the detail of the proposal, for example, through the drafting in the legislation and/ or through guidance on how a planning authority might interpret this restriction.

***Question 7: Do you agree that local planning authorities should be able to restrict permitted development rights from microgeneration where the benefit from the technology is outweighed by its impact?***

### **Consultation Response**

- 33.** 73% agreed with this proposal. However, within that significant majority there was some concern about the practicalities of how planning authorities might do this in the light of experience of how these existing rights (so-called “Article 4 Directions”) operate in relation to other types of development; for example, difficulties in a planning authority being able to be able to produce evidence to justify such a decision. For that reason a number of respondents asked for more guidance and information to assist them in being able to exercise these rights. It was also argued that guidance of this type would help to ensure that planning authorities did not restrict permitted development rights unnecessarily.
- 34.** Doubt about the ability of planning authorities to be sufficiently well-informed to make appropriate decisions of this type was often cited as a concern amongst the 24% that opposed this proposal. Other points made were that there should be greater emphasis and encouragement in delivering industry standards to ensure that microgeneration technologies were not being installed where they delivered little. In addition there was a feeling that it should be the householder that determined whether a particular product was sufficiently productive, not the planning authority.

## Government Response

- 35.** The Government recognises the desire for there to be the ability to amend permitted development rights locally where justifiable. The power to do so already exists through the use of Article 4 Directions. We will consider what guidance might be necessary to support local authorities in the use of their powers. We are also going to make changes to legislation to remove the need for the Secretary of State's approval before the Direction can be made and to allow Directions to be made without a liability for compensation subject to 12 months notice being given.

### ***Question 8: Do you agree that the existing protection is adequate [on sites of biodiversity and geological conservation value]?***

## Consultation Response

- 36.** 70% of respondents to this question agreed that generally the existing legislative framework is adequate to ensure these protected areas and species are not damaged by inappropriate development.
- 37.** 28% of those that responded to this question, however, feared that there was the potential for the proposed approach to impact adversely on sites/species. The majority of this group of respondents instead suggested that these areas should be removed outside of the permitted development regime thus ensuring that correct procedures were followed and that a proper determination of potential impact was taken on a case by case basis. It was suggested that due to the limited number of proposals caught by such an approach there would be little impact on resources for planning authorities.
- 38.** An alternative suggestion was that permitted development rights should apply, but that these would be dependent on there being some form of assessment of the potential impact before the rights could be exercised. It was also argued that given the lack of firm evidence about the potential impact, for example, of wind turbines on bats, a cautious approach would be sensible. A further, detailed point was that the framework it was proposed was relied on did not properly take into account all sensitive sites, for example, candidate Special Areas of Conservation.

## Government Response

- 39.** The Government will consider what additional guidance is necessary to address concerns about permitted development for microgeneration in respect of sites of biodiversity and geological conservation value.

***Question 9: Is guidance sufficient to address the potential impact on archaeologically sensitive areas?***

**Consultation Response**

- 40.** 60% of respondents to this question agreed that the existing guidance was sufficient to address the potential impact of the installation of microgeneration technologies in archaeologically sensitive areas.
- 41.** However, 40% of those that responded had doubts about the approach proposed – particularly in relation to the potential harm ground source heat pumps might possibly do in these areas. There was concern that relying on guidance would not be sufficient given that those seeking to install such technologies may not be aware of it or might simply choose to ignore it. Similarly there were concerns that planning authorities might not use their power to make directions removing permitted development rights given the constraints on them being made, for example, on a planning authority's resources. As with the approach to the other sensitive areas outlined in relation to question 9 above, there was, therefore, a desire either not to extend permitted development rights to these areas or to have some sort of check on them, for example, by having a prior approval mechanism.

**Government Response**

- 42.** The Government will consider what additional guidance is necessary to address concerns around permitted development for microgeneration in archaeologically sensitive areas.

***Question 10: in addition to providing advice as to the scope of the changes to GPDO, what could guidance also usefully cover?***

**Consultation Response**

- 43.** 126 of the respondents made a comment in relation to this question. There was a wide variety of suggestions as to what guidance might also usefully cover (in addition to clearly explaining the proposed changes and offering advice on areas where some respondents thought the current proposals insufficiently precise). Most commonly, it was suggested that given that microgeneration was something new for many that there was a need for more advice about how people should choose the appropriate technology, the energy these technologies might produce in different situations and how they should be installed and where they should be sited. The last in particular might then address some of the other areas where guidance was thought to be useful, for example, how the potential impact on historic or archaeologically sensitive sites or on wildlife/biodiversity might be considered/minimised. There were also a significant number of people

that suggested it was made clear that any guidance should make clear that simple energy saving measures should be pursued by people as a more effective route before the installation of microgeneration was considered.

- 44.** There were also numerous other suggestions, for example, that any guidance should be accompanied by clear diagrams and that different guidance/documents might be necessary for different audiences.

#### **Government Response**

- 45.** The Government will seek to ensure guidance deals with the main areas (highlighted above) where respondents have requested Government guidance.

### ***Question 11: Do you agree with the recommendations for solar microgeneration?***

#### **Consultation Response**

- 46.** Of those that responded to this question, 51% agreed with all of the limits outlined for solar in the consultation paper while 48% of respondents expressed concern with at least one aspect of the proposals. The most common concern was how the proposals worked in sensitive areas. As also shown by the responses to Question 3 (where the majority of respondents suggested that further limits on permitted development should not be restricted to conservation areas and World Heritage Sites) there was significant concern about the proposal that there should be no additional restrictions on the siting of solar panels in National Parks, AONBs and the Broads. There was also a belief (again, as already recognised in the summary on Question 2) that restrictions merely to the front of a property were not sufficient as development on other elevations could also have a significant impact on others.
- 47.** The other main area of concern about the limits was how far panels might project from the roof plane where there was concern that the 150mm may be too much (with 100mm often suggested as an alternative). There was also concern from others that the 150mm limit might lead to practical difficulties in installing solar thermal panels within the limits of permitted development – instead it was suggested that 200mm would be more appropriate for this technology.
- 48.** In respect of solar stand-alone there were two main areas of comment. First, it was suggested that the visual impact of a unit up to 4m high only 5m from a boundary to the front of properties was unacceptable. Secondly, there was some concern that the size of the array for stand-alone units was either too large or too small.

### **Government Response**

- 49.** Limits on permitted development will be as set out in the consultation paper with one small change that would prevent stand-alone solar panels being installed within the curtilage of listed buildings. This additional control is necessary to reflect the fact that listed building consent might not be required for this type of development. It also follows the approach we intend to take for our more general householder permitted development proposals to development within the curtilage of a property.
- 50.** Permitted development will, therefore, be subject to the following limits and conditions:
- A projection of no more than 150mm from the roof/wall.
  - A maximum height of a stand-alone solar unit of 4m.
  - A minimum distance to the boundary of a highway or a neighbour's property of 5m.
  - The size of the array on a stand-alone unit to be no more than 9m<sup>2</sup> or 3m deep or wide.
  - In designated areas no development would be permitted to the roof of or forward of the principal elevation facing onto and visible from a highway or at the side of properties.
  - No stand-alone solar would be permitted within the curtilage of a listed building.

***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?***

### **Consultation Response**

- 51.** Reaction to this question was somewhat split with 51% of respondents agreeing with the proposal not to limit the installation of solar panels by imposing restrictions on roof/wall coverage and 49% disagreeing. Of those that objected, a number did so because of concerns that relate to other issues, for example, the treatment of solar panels in sensitive areas. Similarly, a number believed that there should be no permitted development for walls at all or that it should be tighter restriction (see Question 13 below).

- 52.** A number of respondents also indicated that there should be some type of restriction, but did not suggest what that should be. However, most respondents did, with a significant proportion suggesting a figure around that originally proposed in the research supporting the consultation paper of 60%. A number of other respondents suggested a much lower figure or a restriction based on size rather than percentage coverage.
- 53.** The main reasons for suggesting coverage restrictions were visual impact (and the potential cumulative impact) or concerns about reflection/glare.

### **Government Response**

- 54.** The Government does not intend to place a limit on the coverage of roofs or walls by solar panels (other than in conservation areas and World Heritage Sites where there will not be permitted development if they face onto and are visible from a highway).

### ***Question 13: Generally, should the same level permissiveness apply to solar panels on a wall as on a roof?***

#### **Consultation Response**

- 55.** 64% of responses to this question indicated support for an approach that did not differentiate between solar on roofs or walls. In relation to the 36% that did not agree with this approach, there were a number of points that were made. Most significantly, it was suggested that there was a greater impact if this were allowed on walls at the front of the property where visual impact could/would be significant and where glare/reflection might be a nuisance.

#### **Government Response**

- 56.** The same limits and conditions will apply to solar panels both on roofs and walls.

### ***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?***

#### **Consultation Response**

- 57.** Responses to this question were almost evenly split. Of the 48% who did not agree with the proposal, the majority had concerns on one of two points – either that it was too permissive and the potential impact at the front of a property would be unacceptable or that it was too restrictive and that in practice a 5m restriction would prevent installation for the majority of householders. On the former, concerns related mainly to either the

acceptability of development to the front of a property or the proposed limits in terms of distance being insufficient. With regard to the latter, other than it would be undesirable due to the practical consequences, a concern was that a simple distance restriction did not consider the height of the installation and that therefore a restriction based on the actual height might be more appropriate.

#### **Government Response**

- 58.** The Government intends to limit the siting of solar stand-alone in the way proposed.

#### ***Question 15: Do you agree with the recommendations for heat pumps?***

#### **Consultation Response**

- 59.** 57% of people that responded supported the proposals for heat pumps contained in the consultation paper. The overwhelming majority of those opposing the proposals did so for one or more of three reasons. First, due to the potential for ground source heat pumps to pose a threat to archaeology (again it was suggested sometimes that prior approval/ notification should be used). Second, that the limits proposed to control noise (for air source heat pumps) were unsatisfactory. Third, that there should be additional protection for other sensitive areas, for example, national parks.

#### **Government Response**

- 60.** The Government proposes that the installation of a ground or water-source heat pump should be permitted development. Permitted development rights for air-source heat pumps will be implemented as soon as standards and safeguards for noise have been drawn up and put in place (see the Government response to Question 16 below).

#### ***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?***

#### **Consultation Response**

- 61.** 66% answered in the affirmative to this question and 30% did not. Where people did not agree with the approach suggested this was almost entirely because of similar concerns to those already raised in response to the more general question on noise (question 4). Even where support for the approach was expressed, qualifications along the lines of those that expressed opposition were also common.

### Government Response

- 62.** As indicated in the response to Question 5, the Government intends to address the potential impact of noise through a future link to the use of accredited products and installers. We will give permitted development rights to air source heat pumps once that work has been satisfactorily completed.

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

#### Consultation Response

- 63.** Of those that responded to this question, 29% supported the recommendations for wind turbines and 66% did not. Major concerns given as reason for objection have already been dealt with in this analysis a number of times – the lack of restrictions for all sensitive areas and concerns over the limits on noise and vibration. On the former, there was some desire for the proposed restrictions to apply equally to all areas. Some respondents also argued that turbines should not be allowed at the rear of houses as their size and siting had the potential to impact on the wider environment even if not at the front of the property.
- 64.** As the consultation paper suggested, respondents highlighted the fact that there are more potential impacts relating to this technology than any of the others. Concern about potential impacts was also set against a background of some doubt about the effectiveness of wind turbines, particularly in areas with poor wind – such as in many towns and cities.
- 65.** As highlighted in the responses to Question 8, there was a worry that the potential impact on wildlife, for example, bats, of domestic turbines had not been considered sufficiently. These concerns were similar to those expressed in relation to radar and TV/radio interference.
- 66.** There was concern around the limits on the size and siting of both stand-alone and building-mounted turbines. Generally the concern was that the proposed limits would still allow turbines to be installed that would have an unacceptable visual impact, for example, simply because they would be too big or because of the cumulative impact. However, others argued that for stand-alone the proposed separation distances were unduly restrictive and would prevent turbines being installed in a significant proportion of gardens. Some also argued that there should be slightly more generous limits generally so as to maximise the potential effectiveness of turbines.

### **Government Response**

- 67.** Wind turbines will be allowed as permitted development as soon as standards and safeguards on, in particular, noise and vibration have been satisfactorily resolved (see the Government response to Question 5). Further limits and conditions will be:

#### *Wind Turbines on buildings*

- Less than 3m above ridge (including blade).
- Diameter of blades less than 2m.
- No permitted development in conservation areas or World Heritage Sites.

#### *Stand-alone Turbines*

- Less than 11m in height (including blade).
- Diameter of blades less than 2m.
- At least 12m from a boundary.
- They should not face onto and be visible from the highway in conservation areas or World Heritage Sites.
- They should not be installed in the curtilage of a listed building.

***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?***

### **Consultation Response**

- 68.** Responses to this question were along similar lines to those received in response to Question 4 – 52% expressing support and 45% disagreeing. Reasons for disagreement also reflected the response to the previous question and again even where respondents answered in the affirmative, their support was often qualified in some respect.

### **Government Response**

- 69.** See the Government response to Question 5.

***Question 19: Do you agree with the recommendations for biomass?***

### **Consultation Response**

- 70.** 70% of those that responded to this question expressed agreement with the proposals for biomass, with 26% disagreeing. Again, a major area of concern was that the restriction proposed for conservation areas and

World heritage Sites was proposed not to apply elsewhere. Similarly, there was a concern that the restriction proposed did not go quite far enough anyway and that in sensitive areas flues should not be permitted above the ridge line at the rear either. One further point was that there was some support for providing an additional permitted development allowance for buildings required to store the fuel.

### **Government Response**

- 71.** For biomass, the Government intends to follow an approach that would require development facing onto and visible from a highway in any of these designated areas to require an application for planning permission. Other than that, the only further restriction is as proposed, that is, that flues should be no more than one metre above the ridge line or the highest part of the roof.

### ***Question 20: Do you agree with the recommendations for CHP?***

#### **Consultation Response**

- 72.** 76% of those that responded to this question expressed support for the proposals contained in the consultation paper and 22% disagreed. The comments received mirrored those outlined in response to Question 19 above.

#### **Government Response**

- 73.** For combined heat and power, the Government intends to follow an approach that would require development facing onto and visible from a highway in any of these designated areas to require an application for planning permission. Other than that, the only further restriction is as proposed, that is, that flues should be no more than one metre above the ridge line or the highest part of the roof.

### ***Question 2: Do you agree there should be no additional permitted development rights for hydro?***

#### **Consultation Response**

- 74.** 84% of respondents agreed with the proposal in relation to hydropower microgeneration. Of those that disagreed, there was a general suggestion that permitted development rights should perhaps apply to hydropower with rights in relation to pipes not more than 50cm high suggested as being something that would be acceptable.

#### **Government Response**

- 75.** The Government does not intend to provide permitted development rights for this type of microgeneration.

## Annex 1. List of Respondents

Abrey, P  
Ampair (Boost Energy Systems Ltd)  
Amset Centre Ltd  
Arne Parish Council  
Arup  
Ashfield, Margaret  
Association for the Conservation of Energy  
Association of Consultant Architects  
Association of Local Government Archaeological Officers  
Association of North Thames Amenities Society  
Austin, J C  
Avebury World Heritage Site  
Aylesbury Vale District Council  
B&Q plc  
BAA Aerodrome Safeguarding Team  
Barker, Janice  
Barr, Jim  
Barrett, Trina  
Basingstoke and Deane Borough Council  
Bat Conservation Trust  
Bedfordshire County Council  
Bee, M J  
Bell, Peter  
Bere Regis Parish Council  
Birmingham City Council  
Blackheath Park Conservation Group  
Bowie, Ian  
Bradford City Council  
Bridgnorth District Council  
Brighton & Hove City Council  
Bristol City Council  
Bristol Gloucestershire and Somerset Env Protection Committee  
British Wind Energy Association  
Broads Authority

Buckingham Society  
Bury Metropolitan Borough Council  
Calderdale Council  
Cambridgeshire County Council  
Cambridgeshire Environmental and Wildlife Protection  
Campaign to Protect Rural England  
Carrick District Council  
Carson, May  
Chartered Institute of Architectural Technologists  
Chartered Institute of Building Services Engineers  
Chelmsford Borough Council  
Chepping Wycombe Parish Council  
Chesterfield Borough Council  
Chichester District Council  
Chichester Harbour Conservancy  
Chiltern Society  
Chislehurst Society  
Chorley Borough Council  
City Council of Durham  
Cleeve Parish Council  
Colchester Borough Council  
Commission for Local Administration in England  
Cook, Stephen  
Cooper, Anthony  
Corfe Castle Parish Council  
Cornwall County Council  
Cumbria Energy Efficiency Advice Centre  
Dacorum Borough Council  
Dalton, Brian  
Dartmoor National Park Authority  
Dauntsey Consultants  
Daventry District Council  
Derbyshire County Council  
Derbyshire Dales District Council  
Devon Conservation Forum Incorporating Devon Agenda 21  
Dixon-Hart, John

Dover District Council  
Dunn, Ian  
Durham Bat Group  
Dymond, C  
E.ON UK  
Eaga plc  
East Hants District Council  
East Sussex County Council  
EDF Energy  
Energy Saving Trust  
English Heritage  
English Historic Towns Forum  
English National Park Authorities Association  
Epilepsy Action  
Ethical Partnership  
Fareham Borough Council  
Farquhar, J D  
Francis, B  
Gedling Borough Council  
Godridge, B  
Golton, E  
Good Energy Ltd  
Graves, David  
Great Baddow Parish Council  
Guildford Borough Council  
Hambleton District Council  
Harpenden Town Council  
Harrogate Borough Council (Development Services)  
Harrogate Borough Council (Technical Services)  
Hartlepool Borough Council  
Haywoods Group  
Heathcote, Steven  
Hertsmere Borough Council  
Hewson, Richard  
Highways Agency  
Hills, Richard

Hinckley & Bosworth Borough Council  
Hoare Lea  
Holden, Phil  
Hopson, A  
Horsham Society  
Hutton, David  
Ibbitson, S  
Institute of Acoustics  
Institute of Civil Engineers  
Institute of Historic Building Conservation  
International Centre for Conservation Education  
Iskra Wind Turbines Ltd.  
Isle of Wight Council  
J3 Building Futures LLP  
Johnson, Jean  
Kendrew, Jonathan  
Kennet District Council  
Kerrier District Council  
Kingston Seymour Parish  
Kingston-upon-Hull City Council  
Kirklees Council  
Ladbroke Association  
Lancashire County Council  
Law Society  
Lewes District Council  
London Borough of Barnet  
London Borough of Camden  
London Borough of Hillingdon  
London Borough of Lambeth  
London Borough of Merton  
London Borough of Richmond upon Thames  
London Borough of Southwark  
London Borough of Tower Hamlets  
London Borough of Wandsworth  
London Planning Admin Officer Group  
Lucas, Brian

Maldon District Council  
Manning, Howard  
Marlow Society  
Meltham Town Council  
Microgeneration Yorkshire  
Micropower Council  
Mid Sussex District Council  
Molyneux Planning  
Morgan '88'  
National Air Traffic Services  
National Association for AONBs  
National Caravan Council  
National Federation of Roofing Contractors Ltd  
National Housing Federation  
National Organisation of Residents Associations  
National Society for Clean Air and Environmental Protection  
Natural England  
New Forest District Council  
Newtonia Ltd  
Nicholson, N  
Norfolk County Council  
North Devon District Council  
North Kesteven District Council  
North Somerset Council  
North Warwickshire Borough Council  
North Wiltshire District Council  
North York Moors National Park Authority  
Northern Housing Consortium Ltd.  
Norwich City Council  
Nottingham City Council  
Nottinghamshire Environmental Protection Working Group  
Oil Firing Technical Association  
Oxford City Council  
Paciorek, Andrew  
Parker, Mr  
Patel, K

Planning Inspectorate  
Planning Officers Society  
Powell, Kay  
Powell, Mandy  
Prescott, Don  
Proven Energy  
Quiet Revolution Ltd  
Redmond, Vincent  
Regen SW  
Renewable Devices Swift Turbines Ltd  
Renewable Energy Association  
Reynolds Porter Chamberlain LLP  
Ribble Valley Borough Council  
Rother District Council  
Rotherham Borough Council  
Royal Borough of Kensington and Chelsea  
Royal Society for the Protection of Birds  
Royal Town Planning Institute  
Rushcliffe Borough Council  
Ryedale District Council  
Sage, Peter  
Saw, Peter  
Scharf, Daniel  
Settle, Stephen  
Sevenoaks Town Council  
Sheffield City Council  
Shropshire Hills AONB Partnership  
Simpson, Richard  
Sissons, M  
Smith, Angela  
South Downs Joint Committee  
South Kesteven District Council  
South Lakeland District Council  
South Norfolk District Council  
South Northants Council  
South Oxfordshire District Council

Stafford, Jenny  
Staffordshire County Council  
Steele, Davis  
Summers, W  
Sunderland City Council  
Surrey County Council  
Swale Borough Council  
TAG for Sustainability  
Tandridge District Council  
Teignbridge District Council  
Test Valley Borough Council  
TEV Ltd  
Tiverton Civic Society  
Tonbridge & Malling Borough Council  
Torbay Council  
Town and Country Planning Association  
Trott, Christopher  
TV Energy  
Vale of White Horse District Council  
Vincent, Simon  
Wareham St Martin Parish Council  
Weller, Martin  
Wellingborough BOROUGH COUNCIL  
Wellingborough, Borough Council of  
Welwyn Hatfield Council  
West Sussex County Council  
Westminster City Council  
Wildlife Trusts  
Wilson, Clive  
Wilson, Tim  
Winchester City Resident's Association  
Wind and Sun Ltd  
Windsave Ltd  
Woking Borough Council  
Wolverhampton District Council  
Wood, Helen

Woodgate, Brian

Worcester City Council

Wychavon District Council

Wyllie, David

Yates, Robert

Yorkshire Dales National Park Authority

Zebon Copse Resident's Association