

**Changes to Permitted
Development for
Non-Domestic
Microgeneration in
Wales**

DLP BRIEFING NOTE 110

Prepared by
DLP Planning Ltd

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The Welsh Government (WG) have announced changes to the **permitted development rights for microgeneration installations on non-domestic properties**, to take effect from 5 October 2012. These changes follow on from the changes to domestic permitted development rights made earlier this year (**see DLP Briefing 98**).

The changes are enacted through the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2012 **and apply for technologies that generate up to 50kW of electricity of 45 kW of heat.**

It should be noted that the rights do **not** apply to buildings within a Conservation Area or World Heritage Site, a Listed Building, a Scheduled Monument, or those that are subject to an Article 4 Direction, or a condition removing any permitted development rights.

A range of thresholds and parameters are defined in the amended Order (Part 43 of Schedule 2) and are summarised below. Such development is permitted subject to conditions, namely that so far as practicable, effects on the external appearance of the building and on the amenity of the site are minimised and that one no longer needed or capable of generation, the equipment is removed as soon reasonably practicable.

Solar photovoltaic / solar thermal (Class A or Class B if stand alone)

- Panels must not protrude more than 200mm from the plane of a pitched roof or the surface of an existing wall.
- Panels must not protrude more than 1m above a flat roof.
- Panels must not be within 1m of the external edge of a roof.
- Panels on a wall are not within 1m of another wall or the roof.

Stand alone panels must be erected at least 5m from the boundary of a curtilage, should not exceed 4m in height, number no more than one array (frame), the surface area of panels should not exceed nine square metres and the array does not exceed three metres in any dimension.

Ground source heat pumps (Class C)

- Only one ground source heat pump is permitted within the curtilage.
- The area covered by excavation does not exceed 0.5ha.

Water source heat pumps (Class D)

- The area covered by excavation does not exceed 0.5ha.

Flues for biomass heating (Class E) or combined heat and power systems (Class F)

- Capacity of the system is no more than 45kW thermal.
- The flue does not project more than 1m above the highest part of a roof.
- Only one flue per building.

Agriculture and Forestry

The Order also amends permitted development rights for agricultural land / operations and forestry land / operations (Parts 6 and 7 of Schedule 2 respectively):-

"The amendments clarify that permitted development rights apply to buildings on agricultural or forestry land to house microgeneration equipment, and in particular to house hydro-turbines, to house biomass boilers and anaerobic digestion systems, and to store associated fuel and waste as long as the fuel or waste is produced on the agricultural or forestry land or by the boiler or system."

Of course, it should not be assumed that just because a project falls outside the above criteria that planning permission would not be forthcoming if applied for. DLP have considerable experience in submitting applications for renewable energy schemes across the UK. Please contact your local office for more information.

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