

**Proposed Changes to the  
Permitted Development  
Rights for  
Microgeneration and  
Low Carbon Energy  
Technology in Wales**

**DLP BRIEFING NOTE 18**

Prepared by  
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## Proposed Changes to the Permitted Development Rights for Microgeneration and Low Carbon Energy Technologies in Wales

The Welsh Assembly Government (WAG) have published a consultation document that proposes changes to Permitted Development Rights (PD) for a variety of low-carbon and micro-generation technologies.

Comments on the consultation paper must be received by 3 July 2010. The paper covers the following:-

- Non-domestic wind turbines, air source heat pumps, ground source heat pumps, water source heat pumps, solar panels, flues for biomass systems and combined heat and power (CHP) systems, structures to house anaerobic digestion systems and biomass boilers; structures to house hydro-turbines; and
- Domestic wind turbines, air source heat pumps and solar panels on flat roofs.

The WAG doctrine 'One Wales: One Planet' (2009) sets out a vision where within the lifetime of a generation, Wales uses only its sustainable share of the earth's resources. Renewable energy and microgeneration is expected to be integral to achieving this. There are various UK Government, EU and WAG policies (and legislation in some instances) that are applicable to increasing the supply of energy from renewable sources, including the recent (WAG) Energy Policy Statement (March 2010), plus Technical Advice Notes and Ministerial Interim Planning Policy Statements on renewable energy, design and sustainable buildings.

In 2009 PD rights were amended so that householders generally did not require planning permission to install solar photovoltaic and solar thermal panels, ground and water source heat pumps and flues for biomass heating.

The current consultation paper proposes to extend PD rights to encompass a wider range of generating technologies and non-domestic premises. Although quite farreaching, the extended PD rights would be subject to "locational" restrictions and operational conditions. In each case, development is only proposed to be permitted if installed and certified through a Microgeneration Certification Scheme.

### Non-Domestic Buildings

Generally, the thresholds are less restrictive on (Use Class) B2 premises than on others.

Mounted Wind Turbines (using non-reflective materials on blades) are not permitted in NATS/MoD/CAA1 safeguarded areas, in the curtilage of listed buildings, SAM or Grade I/II\* historic parks or gardens; not permitted in conservation areas or World Heritage Sites if visible from highway.

PD rights are subject to quantum, height, proximity to boundary and noise thresholds that depend on the use class of the premises.

Air Source Heat Pumps are not permitted in curtilage of LBs, SAMs; are not permitted

in CA or WHS if visible from highway. PD rights subject to noise, volume and quantum thresholds that depend on the use class of the premises.

Ground or Water Source Heat Pumps are not permitted in curtilage of LBs, SAMs or Grade I/II\* historic parks or gardens. PD rights subject to the area of excavation / body of water not exceeding 0.5ha.

Solar Panels are not permitted in curtilage of LBs, SAM, Grade I/II\* historic parks or garden; are not permitted in CA or WHS if visible from highway. PD rights are subject to projection and size thresholds that depend upon the use class of the premises, and whether the roof is pitched or flat. Stand-alone panels also permitted in some circumstances.

Biomass Systems or Combined Heat and Power Systems are not permitted in cartilage of LBs or SAMs; not permitted in WHS or CA if visible from highway; PD rights subject to capacity and height thresholds.

Structures to house biomass boilers, anaerobic digestion system and associated waste and fuel stores are only applicable to farms / forestry operations where the fuel or waste is generated. Subject to existing limitations to PD rights.

#### Domestic Buildings

Mounted Wind Turbines - no PD rights.

Free-standing Wind Turbine (using non-reflective materials on blades) are not permitted in NATS/MoD/CAA safeguarded areas, in curtilage of LBs, SAM or Grade I/II\* historic parks or gardens; are not permitted in CAs or WHSs if visible from highway. PD rights subject to quantum, height, proximity to boundary and noise thresholds that depend on the use class of the premises.

Air Source Heat Pumps are not permitted in curtilage of LBs, SAMs; are not permitted in CAs or WHSs if visible from highway. PD rights subject to noise, volume and quantum thresholds that depend on the use class of the premises.

Solar Panels Mounted on Flat Roofs are not permitted in curtilage of LBs, SAM, Grade I/II\* historic parks or gardens; are not permitted in CAs or WHSs if visible from highway. Not permitted if visible from and sited on an elevation which fronts a highway. PD rights subject to height and distance from edge of roof restrictions.

The consultation period runs until 3 July. If you would like to see these PD rights extended further or limited, DLP Planning would be pleased to assist you in making representations Furthermore, if you are unsure whether or not you require planning permission for your microgeneration scheme, we can help.

It should be noted that a web-based tool for assessing radar / aircraft communication protection zones would be set up.

DLP Planning would be pleased to discuss the implications of the above for your

business and how to manage the change should the provisions outlined come into being. Furthermore, our monitoring of emerging policy and legislation and experience in making representations thereon, make DLP the natural choice to help you make the planning system effective for you.

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