

Scottish Government Consultation on Permitted Development Rights for Microgeneration

Response for WWF Scotland

WWF and Homes

WWF has extensive experience in the housing sector, first focusing on new homes through the One Million Sustainable Homes Campaign and more recently on existing stock, through our One Planet Homes campaign. WWF recently published *How Low? Achieving optimal carbon savings from the UK's existing stock*¹, which highlights the urgency and opportunities for reducing carbon emissions from existing housing. WWF Scotland has commissioned related research focusing on the Scottish opportunities to achieve low carbon housing. Policies that promote microgeneration are a key part of any strategy to retrofit Scotland's housing stock.

General Comment

In general, WWF welcomes this consultation paper which seeks to promote a greater uptake of microgeneration in Scottish homes. However, we believe in several areas, the permitted development bar has been set too high, such that it will exclude the majority of householders in Scotland. This will give little new incentive to householders to install microgeneration equipment, and continue the trend of slow uptake.

Instead, changes in permitted development rights should be sufficient to unlock the real potential of householder's microgenerating capacity. Emissions from domestic housing make up nearly one-third of all Scotland's emissions. Thus, this policy must send a clear message to homeowners that the Scottish Government wants to see more – much more – microgeneration in place – in order to contribute to the Government's greenhouse gas emissions reduction target of 80%. This consultation goes part of the way there and we have made suggestions as to how it could open up more possibilities for more homeowners – allowing all Scots to do their part.

Finally, this policy should form part of a Scottish Energy Strategy, and demonstrate how microrenewables will help deliver the necessary cuts from the energy sector to achieve the 80% emission reduction targets proposed in the Government's Climate Change Bill.

Consultation Paper Questions

1 – Are there sufficient grounds to further constrain the PD proposals for domestic micro-generation equipment, especially wind turbines, in areas designated for their landscape quality? Please provide justification or evidence for your answer.

¹ How Low? Achieving optimal carbon savings from the UK's existing stock, March 2008, WWF UK
http://www.wwf.org.uk/filelibrary/pdf/how_low_report.pdf

No. Microgeneration is by definition small scale and therefore of slight impact, and it is important that Scotland moves towards a low carbon economy without being constrained because of minor and subjective landscape impact. Additional proposals already cover the sensitivities of Conservation areas and World Heritage sites.

2 – Are there sufficient grounds to further constrain the PD proposals for domestic microgeneration equipment in areas designated for the protection of flora and fauna? Please provide justification or evidence for your answer.

No. The paper correctly points out that development within SACs and SSSIs already requires additional consent, which will provide adequate protection. As far as local designations are concerned, solar, biomass and heat pump technologies pose no threat to wildlife; hydro is already excluded as PD; and the only issue is the ground impact of free standing wind turbines which is too small to be grounds for further constraint.

3 – Should PD rights for microgeneration equipment, except wind turbines, be granted in areas designated for their built heritage value providing that the principle elevation fronting a highway is unaffected?

Yes. As I) above.

4 – Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment? If not, what specific provisions are necessary?

Yes. The need for listed building consent grants adequate protection.

5 – Will the setting of listed buildings be adequately protected by not granting PD rights to wind turbines and solar arrays within their curtilage?

Yes. We agree that wind turbines should not be PD within a listed building curtilage. However, it seems illogical to allow PD of solar panels on the listed building but not of a solar array within its curtilage. In our view, the impact will be slight enough to allow PD of solar arrays, with the limitations on size and height stipulated elsewhere.

6 – Do you think that general conditions on amenity and other impacts could be applied to the PD rights for microgeneration equipment?

No. As the consultation correctly points out in para 28, the application of overall general conditions would result in constant legal challenge and confusion.

7 – Do you agree that the same PD rights should apply to solar water heating and photo-voltaic panels? If not, please say why.

Yes. The visual impact is very similar.

8 – Do you consider that the proposed PD limits for solar panels on domestic buildings of 150 mm above the plane of a pitched roof or a wall, not higher than the highest point of a pitched roof and

covering up to 60% of the roof or wall area are appropriate? If not, what should the limits be and why?

No. Firstly, 150 mm is too harsh, and will exclude some solar installations; we see no reason why this should not be relaxed to 200 mm as in the English legislation. Secondly, it seems odd to restrict roof coverage to the arbitrary figure of 60%; in many cases this will result in a messy visual outcome, and we believe that coverage to 100% should be permitted. We do agree that PD should not extend above the ridge height for reasons of visual impact and light interception.

9 – Do you agree that there should be no PD for solar panels on the walls of buildings containing flats?

No. Although generally a vertical solar panel is not the most efficient, we don't see why flat dwellers should not have PD rights the same as residents of other buildings. We don't think that the visual impact of a solar array is necessarily greater than the colour of paint on walls, doors and windows, for example.

10 – For flat roofs do you agree or do you have alternatives to the suggestion that PD rights for panels should be set so that they are no closer than 1 metre to the edge of the roof, with the highest point of the panel not more than 1 metre above the plane of the roof and covering up to 60% of its area? If not, please suggest alternative provisions.

No. For the reasons stated in 8 above, we believe that PD should extend to the whole of the roof, and we see no reason why the panels should not extend to the edge of the flat roof. We do agree that the height should not exceed 1m under PD, for the same reasons as in 8 above.

11 – For free-standing arrays, should PD rights be set at less than 4 metres in height, at least 5 metres from the property boundary and with a maximum area of 9 sq metres?

We agree with the proposed limits on height and area; anything larger would be a substantial array and should need a planning application. We see no reason why an array should not go closer to the property boundary – 1m seems a sensible limit to us.

12 – Do you agree with the principle of applying a distance criteria for wind turbines to deal with the potentially adverse impacts?

Yes, but we are aware of the difficulties of this issue.

13 – If you agree with question 12 do you think it should be set at 100 metres to the nearest domestic building or can you suggest and give evidence for another figure?

A blanket figure of 100m will rule out virtually all householders, and makes no allowance for the different impact of differently sized turbines. We suggest that a dialogue should be started with appropriate stakeholders, including the small scale wind industry, to arrive at an acceptable and simple formula which takes account of blade length and tower height. For instance, it may be appropriate to have a 100m distance criterion for a 3.5m turbine on a 10m tower – but a smaller 1.5 m turbine on a 6m tower should have a shorter distance criterion to the boundary.

14 – Do you agree with the following limits on the scale of building mounted wind turbines?

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(each turbine blade up to 1.1 metres in length, up to 3 metres above the highest part of the roof and one per building)

Yes

15 – Do you agree with the following limits on the scale of free-standing turbines? (each blade up to 1.1 metres in length and a maximum height including tower of 11.1 metres to the tip of the turbine blade, located at least 12 m from the boundary of the property and one per curtilage.)

No. We think that the 3.5m rotor diameter proposed by Heriot Watt in their original research was a better limit for PD on free standing turbines. It follows from this that the maximum tower height should be 13.5m to the blade tip (10m hub height). We would prefer a generic limit from the property boundary as “at least the height of the installation at the highest blade tip from the boundary”.

16 – Should the visual impact of free-standing turbine masts be controlled by a condition on the PD rights such as ‘provided the colour of the mast minimises its visual impact’ or can you suggest an alternative formula?

Yes.

17 – Do you agree that flues for biomass stoves should be permitted development up to 1 metre above the highest point of the roof but not on the principal elevation in conservation areas.

Yes.

18 – Do you agree that wood stores should be treated in the same way as any other residential alterations or ancillary development, so that depending on circumstances they may be PD.

Yes

19 – Do you agree with the proposal that ground and water source heat pumps, including the collectors and associated trenches or boreholes should be permitted development?

Yes.

20 – Do you agree that air source heat pumps should be permitted development with the proviso that they should not be located within 100 metres of a separate house or flat?

Yes but see 21 below for distance criteria.

21 – If you think the distance criteria should be different, please say what you suggest and give the evidence to justify it.

100m seems excessive to us, and will rule out the vast majority of homeowners, but we accept that we have little expertise in this area. We believe this should be discussed with the industry, and that a lower distance criteria of 50m or even 20m may be acceptable.

22 – Do you agree that there are no PD issues for domestic combined heat and power devices except for flues, in which case the PD limit should be 1 metre above the highest point of the roof, and additionally in conservation areas or world heritage sites not on the principal elevation and visible from a road?

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Yes.

23 – Do you agree that there should be no additional PD rights for domestic scale hydro-electric generating schemes? If ‘no’ please see the next question:

Yes

24 – If you have answered ‘no’ to the previous question please say in what circumstances and within what criteria you think that domestic scale hydro schemes should be permitted development?

N/a

25 – Do you think that an overall limit should be set for the combined microgeneration capacity which is permitted development, and if so what should it be? Please justify your answer.

We believe that every site should be able to maximise its potential for renewable energy generation, although we accept that some limits should be set for permitted development. A limit of 50KW electrical, as proposed, seems sensible and consistent with the Act.

26 – Are the proposals for PD likely to have particular impacts on societal groups?

No