

Contact: Richard Cartwright
Tel: 01236 616537
Fax: 01236 616206
E-mail: CartwrightR@northlan.gov.uk
Date: 05 October 2010
Our Ref: IHBC/05/10/RC
Your Ref:



Non-Domestic PD Rights Consultation
Scottish Government
2H Victoria Quay
Edinburgh
EH6 6QQ

Richard Cartwright
IHBC Scotland
Consultations Secretary
c/o NLC Environmental Services
Fleming House,
Cumbernauld G67 1JW
www.ihbc.org.uk

Dear Sirs,

CONSULTATION ON PD RIGHTS FOR MICROGENERATION EQUIPMENT ON NON-DOMESTIC PROPERTIES

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Scottish Branch of the Institute welcomes the opportunity to comment on this consultation paper and has the following comments to make on the document. These comments are focussed on the built heritage implications of the proposed PD Rights, and specific questions requiring technical expertise outside our areas of specialism have not been answered..

On a general note, this Institute recognises the Scottish Government commitment to combating climate change through a wide range of measures. However, we would wish to see this done in a manner that does not have an adverse impact on the quality and appreciation of Scotland's historic environment. We are concerned that the measures as currently proposed to expand PDR's have the potential for significant adverse impacts.

Comments on Text

1. Paragraph 15 – The IHBC accepts this proposal wrt Listed Buildings.
2. Paragraphs 16/17 – The IHBC would not want there to have to be a reliance on Local Authorities introducing Article 4 Directions in order to secure controls necessary to protect a Conservation Area. This is especially the case where new burdens on LA's are being discouraged by the Scottish Government and where in the climate of cutbacks which we are in, the resources may not be found by LA's to do this work. It is much better to have general restrictions in place that are needed to protect Conservation Areas or other heritage locations.

Contd./

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3. Paragraph 61- The views of heritage organisations are specifically sought at the end of this paragraph, and IHBC does NOT accept the contention that “it will not be possible to safeguard the wider setting of listed buildings from the development of microgeneration equipment.” Listed Building legislation must be publicised and applied in order to ALWAYS require a LBC application and assess impacts on a listed building; where there is any doubt about this the Local Authority must be contacted for their view.

Comments on Tables

Tables on pages 20, 36, 38 – height limits should be reduced from 4m to 3m.

Tables on pages 17, 18, 19, 20, 21, 26, 27, 28, 30, 31, 32, 33, 34, 36, 38: The IHBC accepts the proposals for Listed Buildings in these tables but NOT the proposals for Conservation Areas, where in order to protect their special character, the criterion in each case must be “not visible from a public viewpoint” (rather than not visible from a road).

Table on page 21 – the exclusion of Councils and statutory undertakers from the proposed PD restriction to 2 pole mounted solar installations is unwarranted and should be deleted.

Responses to Consultation Questions

Core Question (Question 1)

What types and scales of equipment do not need to be examined by a planning authority because they will have an acceptably small impact, or no impact at all?

The IHBC generally accepts the Government’s intentions set out in paragraphs 7 & 8, with the exceptions that in a Conservation Area or World Heritage Site, or where the setting of a Listed Building would be affected, permitted development rights must not be granted, in order to allow an assessment of impacts as part of a planning or LBC application.

Question 2

Do you think that it is appropriate to introduce an entirely new schedule of permitted development rights (with specific amendments for existing permitted development rights for Agricultural and Forestry units). The alternative is to make amendments to each of the existing classes of permitted development. YES

Question 3

Should non-domestic microgeneration be constrained to installations which are primarily serving the energy needs of the property on which they are sited YES or should community scale and installations which feed directly to the national grid but are sited on non domestic property also be included? NO

Question 4

Does the ‘do nothing’ statement represent an adequate interpretation of the requirements of the Climate Change (Scotland) Act on the planning system with regard to permitted development rights for microgeneration technologies? NO

Question 5

Should the Scottish Government be seeking to make more than the ‘minimum’ number of changes to the current permitted development rights Order YES or would ‘minimum’ action be sufficient? NO

Question 6

Is the concise description of unrestrained microgeneration development in non-domestic settings accurate in terms of its potential impacts? NO it is not sufficiently accurate; the IHBC suggests the addition of the words: “and the built heritage environment” to the end of paragraph 31 would address this deficiency.

Contd./

Question 7

Should the overall surface area of pitched roof mounted solar panels be restricted, if so by how much and why? NOT GENERALLY, but it should be restricted in designated areas or where the setting of a listed building may be affected.

Question 8

When providing large areas of solar panelling, additional supporting framework is required, should the protrusion threshold therefore be increased to 300mm and would the visual impacts of this be acceptable? YES

Question 9

The restriction to permitted development for designated areas avoids installation of the technology on principal elevations, is that sufficient and if not, why? NO

Question 10

There are no additional restrictions proposed for buildings in multiple occupation or ownership, do you think there should be and why? NO

Question 11

Do you consider the restrictions to safeguard landscape scale impacts (light flashes) should be proposed and if so what should those restrictions be? NO, except for designated landscape areas.

Question 13

Should solar thermal installations have a more generous protrusion or height allowance when mounted on flat roofs and if so what should the maximum limitations be? NO

Question 14

Do you agree that wall mounted solar installations should be additionally restricted only in designated town centres YES or should wall mounted solar installations be limited to walls which are not the principal elevation? NO, except in designated areas or where the setting of a listed building may be affected.

Question 15

Are the boundary set-back thresholds for free standing solar installations too restrictive and if so what is the alternative and why? NO

Question 17

Should the surface area of a free standing solar array be increased NO and if so can this be achieved without adverse visual impact? NO

Question 18

It is not proposed to extend permitted development rights to free standing solar installations within sites of Archaeological interest or sites designated for habitat protection under international regulations due to the potential impact of foundation works. If you consider this approach to be too restrictive, please provide reasons. AGREE WITH APPROACH

Question 19

Do you consider the additional height for pole mounted solar installations to be sufficient or excessive? ACCEPTABLE. What are the alternative approaches?

Question 23

Should vertical axis wind turbine blades be measured on the external face of the turbine blade as well as the circle within which the turbine blades move NO or should other measurements be used? NO

Contd./

Question 24

Do you have any comments on the limitations to the height of wind turbines? NO

Question 25

Are the Microgeneration Certification Scheme and stated noise thresholds a sufficient safeguard for noise issues related to micro-wind turbines? YES

Question 26

Is the Microgeneration Certification Scheme a sufficient safeguard for vibration issues related to micro-wind turbines? YES

Question 31

How might the settings of listed buildings be harmed through the installation of micro-wind turbines and what measures (if needed) could be put in place to reduce, remove or mitigate those effects?

Listed building legislation must be applied (and publicised); if there is any doubt as to whether the setting of a listed building would be affected by a proposal, the LA must be contacted for a view and an LBC application required where there could be an impact

Question 32

Do you think the blade diameter (and equivalent swept area) for micro-wind turbines should be increased and if so do you agree with the description of likely resulting impacts?
PROPOSALS AS PER TABLE accepted.

Question 34

Should the permitted development rights for building mounted wind turbines only apply to detached single ownership buildings and if so why? NO

Question 36

It has been suggested that an alternative way of ensuring acceptable impacts on the appearance of streets and places as a result of window or wall mounted air source heat pumps would be to provide a minimum separation distance between air source heat pumps as opposed to a per-property number limitation. Do you think the minimum distance, enforced on a first come, first served basis would be a better approach. If so what should the minimum separation distance between air source heat pumps be? NO

Question 37

Are the proposals for roof mounted air source heat pumps sufficient and do they adequately protect against adverse visual impacts and the effects of noise? MOSTLY BUT the Designated Areas restrictions must be extended to “ not visible from a public viewpoint.”

Question 38

Are the thresholds indicated for biomass installations sufficient to provide for operational units and safeguard the appearance of the local area? NO- see our “Comments on Tables” above.

Question 39

YES

Question 40

Given the number of components which are required to make an operational micro hydro scheme and the variability of the nature of invasiveness of each individual scheme is there sufficient value gained in granting permitted development for one part of the scheme given that planning permission would be required for the remainder of the scheme? NO

Question 41

Is the proposed condition on the removal of equipment sufficient to safeguard against inoperative microgeneration equipment effectively becoming redundant clutter within the built environment? NO, there must be a specific requirement for the removal of equipment which has lain unused for say 6 months.

Question 42

Do you think that it is appropriate for the internal noise threshold should be extended to all buildings where people are expected to sleep? YES

Question 43

Are you content that the proposed order would not have any adverse impact on particular sections of Scotland's society? YES

Please note that we have not responded to certain technical questions outwith the remit of this Institute (qns 12,16, 20,21,22, 27, 28, 29, 30, 33, 35).

The Scottish Branch of the Institute would be grateful if you could consider these points in the review being undertaken of Permitted Development Rights for non-domestic micro-generation equipment.

Yours sincerely,

Richard Cartwright
Scottish Consultations Secretary
Institute of Historic Building Conservation

RESPONDENT INFORMATION FORM:

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name Institute of Historic Building Conservation

Title Mr

Surname Cartwright

Forename Richard

4. **Postal Address** Built Heritage & Design Team
North Lanarkshire Council
Fleming House
Cumbernauld

G67 1 JW

Phone 01236 616537

Email CartwrightR@northlan.gov.uk

3. Permissions

I am responding as...Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)? **Yes**

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis **Yes, make my response, name and address all available**

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).Are you content for your **response** to be made available? **Yes**

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **Yes**