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Your Ref:



Permitted Development Rights for Domestic Microgeneration
Equipment
Directorate for the Built Environment
The Scottish Government
2H, Victoria Quay
Edinburgh EH6 6QQ

Richard Cartwright
IHBC Scotland
Consultations Secretary
c/o NLC Environmental Services
Fleming House,
Cumbernauld G67 1JW
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Dear Sirs,

CONSULTATION ON PD RIGHTS FOR DOMESTIC MICROREGENERATION EQUIPMENT

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 restricted to the built heritage implications of the proposed PD Rights and are made on both the text and questions, following the order of the document.

On a general note, this Institute recognises the Scottish Government commitment to combating climate change through a wide range of measures. This includes encouraging domestic households to make their contribution to reducing the production of fossil fuels by means of microgeneration. 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. The measures as currently proposed to expand PDR's have the potential for significant adverse impacts.

Directions Restricting Permitted Development under Article 4 of the GPDO

Paragraph 12. It is suggested that the 4th sentence of this paragraph be amended to state: *"The proposals in this paper have been designed to limit the need for such Directions but it has to be recognised that they might be necessary, in conservation areas parts of National Parks and National Scenic Areas or within Inventory Gardens & Designated Landscapes."*

Notes: (1) Such Gardens & Landscapes are deemed of national significance and warrant similar protection. (2) It would be helpful if the Scottish Government provided some guidance on when Article 4 Directions would be considered favourably.

PD in Areas Designated for Their Natural and Built Heritage Value

Paragraph 26 states: *Due to the scale of the equipment vis-a-vis the scale of domestic buildings, uncontrolled installation of the equipment has more potential to have an adverse impact where it is*

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installed on property in areas designated for their built heritage value; conservation areas, places where it would affect the setting of a listed building and in World Heritage Sites. The greatest impact would arise where they were on the main façade of the building facing a highway where they would be visible to the public. Due to their characteristics, even small wind turbines would be highly visible against the scale of the buildings and likely to affect the character of the area. For wind turbines it is therefore proposed that PD rights are not granted in World Heritage Sites and Conservation Areas so that each case can be assessed through a planning application. Listed buildings themselves are protected under separate legislation and it is therefore unnecessary to specifically exclude them from the PD proposals.

Paragraph 26 is in general welcomed by this Institute, however there is confusion between the 2nd sentence, which implies that only installations on the main façade of a building facing a highway would be visible to the public, and the 4th sentence which states clearly that for WHS's and CA's no PD rights for wind turbines are being proposed. The 4th sentence is supported by the Institute, but we would wish for the 2nd sentence to be amended to reflect the fact that roofscapes in CA's may be seen from wider public viewpoints, not just the highway in front of a building- and as they are often a key part of CA character, there would be potential for adverse affects if uncontrolled installations were allowed.

Two overarching representations are therefore made by the IHBC at this point:

1. Wherever the phrase "visible from a road" is used wrt CA's or WHS's, it should be replaced with "visible from a road or other public vantage point".
2. There are many occurrences in the document of the phrase "on a principal elevation or visible from a road". As well as extending road to also cover all public vantage points, the IHBC is concerned that some references say "on a principal elevation *and* visible from.." eg in Annex 1 for Combined Heat & Power,, and in the draft GPDO Class 6E (2) (b) and Class 6 I (2) (b) – these should revert to the "or" wording.

Question 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? SEE ABOVE

Question 4 – Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment? If not, what specific provisions are necessary? YES However, it would be helpful to add guidance on the need for sensitive methods of installation so as not to damage historic fabric.

Question 5 – Will the setting of listed buildings be adequately protected by not granting PD rights to wind turbines and solar arrays within their curtilage? NO, as there will be cases where a renewables site lies outwith curtilage but where development would still affect the setting of a listed building.

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

The Institute has the same concerns on this question as to qn 3 above, in terms of the potential for adverse impact from roofscape installations across a wider area than from just the fronting highway.

Question 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?

The Institute considers that clarification on the area to be restricted is required and that 60% of roof and 60% of walls would be too much. 60% of roof only may generally be acceptable outside of heritage areas.

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Free Standing Solar and Wind Turbine Structures

Question 11 and Question 12

The Institute suggests that an alternative approach of a system of Prior Notification might be considered for free-standing renewables structures, to allow the Planning Authority to initially assess impact on amenity and heritage, and to determine an application where necessary.

Biomass

Question 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.

NO, the Institute does not agree this proposal for Conservation Areas, where an installation would be visible on a roof from any public vantage point.

Combined Heat and Power

Question 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?

NO, the Institute does not agree this proposal for Conservation Areas, where an installation would be visible on a roof from any public vantage point.

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 domestic microgeneration equipment.

Yours sincerely,

Richard Cartwright
Scottish Consultations Secretary
Institute of Historic Building Conservation