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Extending Permitted Development Rights for Domestic Micro-Wind Turbines
and Air-Source Heat Pumps Consultation
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To Whom It May Concern:

Extending Permitted Development Rights for Domestic Micro-Wind Turbines and Air-Source Heat Pumps Consultation

Thank you for the opportunity to comment on this consultation.

Built Environment Forum Scotland (BEFS) is a forum that brings together 21 non-governmental organisations – both professional and voluntary – that work within the built environment sector. The purpose of BEFS is to raise awareness of policy issues within the sector, encourage debate and share information, with a view to influencing policy and legislation.

General comments

BEFS members support the Scottish Government's commitment to combating climate change, and all measures to ensure the greater sustainable and flexible management of the building stock. This includes low carbon energy management and microgeneration and the incentives for these through the reduction of regulation, as promoted by the principle of permitted development. This has to be offset by appropriate measures to protect and enhance any embodied heritage and urban design values of the built environment and the contribution they make to sense of place and local identity, education and the historical record, tourism and economic benefit, or design and cultural appreciation, which are equally important to the aims of sustainable development and the legacy for future generations.

For this reason, control should be retained where a) there may be irrevocable physical damage to building or landscape fabric of historic, architectural or archaeological significance, b) where there is likely to be visual disruption on, or in the setting of, a building, site or area of heritage or urban design value to the interpretation of the authentic heritage interpretation or design appreciation of the building, site or area, or c) the general level of amenity in the residential or public realm may be unacceptably compromised by the cumulative effect of such developments. We would also suggest that the permitted development provisions are kept as simple as possible for better public understanding of these aims and of the need or otherwise for express permission.

We strongly support the proposals that permitted development rights will not be granted for wind turbines in World Heritage Sites, Conservation Areas and within the curtilage of listed buildings, and that ASHP would be excluded from permitted development in World Heritage Sites.

However, we consider that any defined historic environment asset should be automatically excluded from PDR, and consequently PDR should also not be granted in Inventory Gardens & Designed Landscapes, the new inventory of Historic Battlefields, and Scheduled Ancient Monuments.

Microgeneration Certification Scheme (MCS)

BEFS members welcome the proposal that installation of micro-renewables as permitted development are subject to product and installer being MCS accredited.

The MCS should however also require installers to have an understanding of historic and built environment legislation and policy.

This together with implications for ensuring the certification scheme is implemented, particularly in cases where no planning permission is required, should also be included as another item in the review for Building Standards which is raised in the consultation. It would be also be helpful if this scheme, together with advice on finding access to lists of accredited installers, is given prominence in the Guidance proposed at the end of the paper.

Settings

The consultation raises the issue of settings for listed buildings, but not otherwise the setting of other designated assets.

The permitted development rights order should ensure that micro-renewables installations, and in particular wind-turbines, do not adversely affect the setting of any designated area or asset.

Responses to questions

Question 2 – What grounds are there, if any, to further constrain the PD proposals for domestic microgeneration equipment in areas designated for the protection of flora and fauna, geological or archaeological interests?

BEFS members welcome the proposal – as summarised in Annex 1 – that free-standing wind turbines will not be permitted within SSSIs and sites of archaeological interest, and wishes to emphasise the importance of this proposal to be clearly spelt out in the main text of the Order.

In order to protect areas designated for the protection of flora and fauna, geological or archaeological interests, constraints to PD proposals should also include areas included in the Inventory of Gardens & Designed Landscapes and Historic Battlefields inventory.

Question 3 – What grounds are there, if any, to constrain the PD proposals for micro wind turbines and air source heat pumps in World Heritage Sites?

BEFS members agree with the proposal to constrain the PD proposals for micro wind turbines and air source heat pumps in World Heritage Sites; careful individual assessment is required to ensure heritage assets are not negatively affected. World

Heritage Sites are designated on their Outstanding Universal Value, this needs to be carefully considered when determining potential development.

Question 4 – Should PD rights for air source heat pumps be granted in areas designated for their built heritage value providing that the principal elevation fronting a road is unaffected?

No, this provision is not sufficient to protect built heritage values; while we agree that installations on the main façade of a building facing a road would have the greatest impact, microgeneration equipment may also be highly visible from other public viewpoints. PD rights for air source heat pumps in areas designated for their built heritage value should only be granted providing that the proposed installation is not visible from any public viewpoint.

BEFS members support that ASHP installation should be subject to MCS products and installer, but wish to emphasise the need for installers to also have an understanding of historic and built environment legislation and policy.

Question 5 - Are the separate controls for listed buildings sufficient to control the installation of microgeneration equipment? If not, what specific provisions are necessary?

Yes, however guidance should be adopted on appropriate methods of installation to avoid damage to historic fabric.

Question 6 – Will the setting of listed buildings be adequately protected by not granting PD rights to wind turbines and ASHP within their curtilage?

The meaning of the term 'curtilage' as used for this Order needs to be defined.

In most cases the setting of listed buildings should be adequately protected by not granting PD rights - provided Listed Building Consent legislation is adequately publicised and enforced. However, there will be cases where a renewables site lies outwith a Listed Building curtilage but where development would still affect not only the setting of a listed building but also for instance Scheduled Ancient Monuments, and/or the setting of a designated asset. (See also general comment re settings above.)

In final documentation relating to changes to PD for Microrenewables it should be very clear that any proposal affecting the setting of a designated asset may need appropriate consents, and that this can include sites which are not within the actual curtilage.

There is also a need for guidance to ensure householders are aware of historic environment designations and a robust method for dealing with breaches of this requirement, including penalties and re-instatement requirements as appropriate.

Question 7 – Do you think that general conditions on amenity and other impacts could be applied to the PD rights for MWT and ASHP equipment?

Yes, we do.

Question 8 – Do you agree with the principle of applying a noise impact criterion for wind turbines to deal with the potentially adverse impacts?

Yes, we do agree with a noise impact criterion for wind turbines, but a criterion for vibration impact should also be considered. The disturbance on local amenity through vibration is recognised in the consultation document (para 12, 41). A limit to vibration

would however also minimise disturbance of possible archaeological interests and potentially vulnerable architectural details.

Question 13 – Should the visual impact of free-standing turbine masts be limited to local authority guidance rather than control by a condition on the PD rights?

No. It is not clear that if a mast is erected under PDR that the local authorities would then have any control over the visual impact of such masts. It should be made clear that there are conditions applicable to the erection of these masts and that appropriate guidance (whether local authority or Scottish Government) is followed. There must be some facility for local authorities to require the amelioration of visually inappropriate masts and turbines.

Question 14 – Do you support anemometer masts only being PD where the subsequent turbine would also be PD, subject to the anemometer mast having a maximum height of the MWT, a maximum 12 month trial and a removal condition?

Yes, we think this restriction is appropriate.

Question 16 – Do you think that an overall limit should be set for the combined micro generation capacity which is permitted development, and if so what should it be? Please justify your answer.

Limiting capacity in terms of energy generated could discourage future use of more efficient micro-renewable installations.

It may however be worth considering a total noise/vibration (etc) limit for each dwelling rather than for each installation.

Question 19: Do you agree with the range of costs and benefits arising from Option 2? Please provide a justification or evidence for your answer.

No, the potential costs and benefits to the historic environment – including potential effects on the tourism industry - are not included in this assessment. (see also Q 21 below)

Question 21: Do you agree with the range of environmental and biodiversity costs presented? Please provide a justification or evidence for your answer.

Bearing in mind that Scotland's historic environment has a vital role in supporting jobs and promoting tourism*, the potential costs to the historic environment should also be considered.

* ECOTEC (commissioned by HEACS): "Economic Impact of the Historic Environment in Scotland", October 2008, <http://www.heacs.org.uk/documents/2009/ecotec.pdf>

We hope these comments are useful – please get in touch if you require any further clarification. We would be grateful if you could keep us informed on the outcome of this consultation process.

Yours sincerely



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Forum Co-ordinator

This document is supported by the following member organisations of BEFS:

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