



FARMERS' UNION OF WALES

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Microgeneration Permitted Development Consultation
Plans Management and Performance Branch
Planning Division
Welsh Assembly Government
Cathays Park
CARDIFF
CH10 3NQ

Dear Sir/Madam

Microgeneration and Low Carbon Energy Technologies: Proposed Changes to Permitted Development Rights for Non-domestic Premises and Householder (Turbines, Air Source Heat Pumps and Solar Panels on Flat Roofs)

The Farmers' Union of Wales welcomes the opportunity to respond to the Welsh Assembly Government's consultation on proposed changes to Permitted Development Rights to install microgeneration and low carbon energy technologies on non-domestic premises and in households.

Following an internal consultation with its membership and consideration by the Union's standing Committee on Land Use and Parliamentary issues, the following comments are submitted for your consideration.

The FUW supports a policy of sustainable development and therefore welcomes the principle of alternative energy production which will help reduce Wales' dependence on fossil fuels and nuclear energy. The Union particularly favours the promotion of small scale renewable energy developments as they are less likely to be regarded as intrusive on the landscape.

The Union welcomes the proposed amendments to the permitted development rights for domestic and non-domestic premises. It sees these amendments as a sensible approach to encourage Welsh people and businesses to investigate alternative means of meeting their energy needs therefore helping to reduce Wales' carbon emissions.

While the Union recognises that the installation of some forms of renewable energy generation equipment can potentially cause conflicts, and agrees that any proposed renewable energy project should be considered on its own merits, taking into account the opinions of local communities, it has concerns regarding the proposal in Paragraph 2.7 which will allow local authorities to make the permitted development rights more restrictive where local circumstances require it. Once finalised, the adoption of the amended Permitted Development Rights needs to be consistent across the whole of Wales, otherwise some areas will continue to find that development of small scale renewable

energy projects is curtailed due to local authorities differing in their interpretation of when restrictions should be placed on permitted developments.

Without prejudice to the preceding comments, the Union's responses to the questions highlighted in the consultation are given below.

		Y	N	Comment
General				
Q.1	Do you agree with the proposals to limit noise impacts? If not, what alternative would you suggest?	Y		<p>Whilst the Union agrees that a noise limit should be applied, it would question the need for separate criteria on noise limits. In gaining MCS certification, equipment has to meet certain standards. If a noise limit was included in these standards then it would negate the need for these criteria and would also mean that only equipment which was below the set noise limit would be able to gain MCS certification.</p> <p>The Union is also concerned that, if the noise limit was reduced following the review anticipated in paragraph 2.13, the owners of equipment which was over the new noise limit would be required to go to the expense of carrying out modifications or replacement.</p>
Q.2	Do you agree that the requirement to have MCS certification is appropriate? If not, what alternative would you suggest?	Y		<p>The Union supports the use of the MCS certification scheme as this will provide reassurance to neighbours that the equipment and its installation meet agreed and acknowledged industry standards.</p> <p>The use of MCS scheme will also provide tie-ins with other Government initiatives such as Feed-in Tariffs.</p>
Q.3	Do you agree with the proposals to allow anemometer masts where the subsequent turbine would also be permitted development, subject to the anemometer mast having a maximum height equivalent to the relevant permitted development limit, a maximum 12 month trial period and a removal condition?	Y		<p>The FUW agrees with the proposals as they will ensure that the wind turbine is installed in the most efficient location and therefore provide the greatest benefit to the property owner and the environment.</p>
Non-domestic proposals				
Q.4	Do you agree with the proposals for wind turbines on non-domestic premises, as set out in Tables 1 and 2?	Y		<p>While the FUW agrees with the proposals, it believes that flexibility should be built into the criteria to allow wind turbines to be installed where there is an existing air source</p>

				<p>heat pump providing the combined noise level does not exceed the 45 dB $L_{A_{EQ}, 5min}$ limit proposed in the consultation. This would allow a greater range of renewable technologies to be available to individuals and thereby increase the potential for increased carbon savings.</p> <p>The Union believes that each case should be considered individually and in a site-specific manner. The inclusion of general restrictions on siting developments which are visible from a highway, within a World Heritage Site or Conservation Area, could lead to the inappropriate siting of renewable energy generation equipment with both owner and the environment receiving poorer returns.</p> <p>The Union also queries how a 'highway' is defined as this is not made clear in the consultation document or glossary.</p>
Q.5	Do you agree with the proposals for air source heat pumps on non-domestic premises, as set out in Table 3?	Y		See comments in reply to question 4 regarding highways and creating flexibilities in the criteria based on combined noise levels.
Q.6	Do you agree with the proposal for ground and water source heat pumps on non-domestic premises, as set out in Table 4?	Y		
Q.7	Do you agree with the proposals for solar panels on non-domestic premises, as set out in Tables 5, 6 and 7	Y		Whilst the FUW agrees in principle with the proposals, it is concerned as to whether a general restriction on siting of developments in World Heritage Sites or Conservation Areas would lead to the inappropriate siting of equipment. It also questions the definition of a 'highway', as above.
Q.8	Wall mounted solar panels visible from a highway bounding the site are to be excluded from permitted development in world heritage sites and conservation areas, should wall mounted panels also be excluded entirely within town centre areas as proposed in Table 6? If so, how should town centre be defined?		N	While solar panels should be encouraged to be erected on roofs, in some cases it may not be practical for them to be roof mounted. In these situations, wall mounting should be an option.
Q.9	Stand alone solar panels visible from a highway bounding the site		N	The FUW opposes any proposal which will mean that National Parks

	are to be excluded from permitted development in world heritage sites and conservation areas (Table 7). Should this be extended to national parks and areas of outstanding natural beauty?			and Areas of Outstanding Natural Beauty are placed at a disadvantage when compared to other parts of Wales. It firmly believes that any permitted development rights should also be applicable to National Parks and Areas of Outstanding Natural Beauty. Due to the localised nature of their installation, solar panels will have little visual impact on the surrounding area.
Q.10	If the maximum height of stand-alone panels (Table 7) is reduced could the area of array allowed be increased without undue impact? If so what area of array would be appropriate?	Y		The Union believes that, to maintain the surface area of the array, it should be possible to increase the width of the installation by an equivalent factor to the reduction in height, providing the development does not then exceed any of the other eligibility criteria.
Q.11	Do you agree with the proposal for flues for biomass systems and combined heat and power (CHP) systems on non-domestic premises, as set out in Table 8	Y		Whilst agreeing with the proposals, the Union would again question how a 'highway' would be defined.
Agricultural and forestry proposals				
Q.12	Do you agree with the proposal for structures to house, biomass boilers, anaerobic digestion system and associated waste and fuel stores on agricultural and forestry premises as set out in Table 9?			<p>The FUW supports the proposals for structures to house biomass boilers and anaerobic digestion systems to be afforded permitted development rights, although it does not agree with the restriction which would only allow the use of fuel or waste which has been generated on the holding. If there is a limited supply of fuel or waste on the holding, this restriction will act as a disincentive for some farmers who would otherwise consider using these technologies.</p> <p>The Union believes that consideration should be given to developments which would lead to a beneficial 'win-win' situation for the farmer and the local community. Allowing off-holding supplies of waste to be sourced for anaerobic digestion plants would provide an incentive to increase the amount of local biomass recycling and would be in line with a statement within the Welsh Assembly Government's Bioenergy Action Plan consultation, which states that "<i>blending of manure/slurry with other organic</i></p>

				<i>wastes enhances biogas yields and operational efficiency since food wastes tend to have greater biogas yield potential than farm slurry”.</i>
Q.13	Do you agree that prior notification procedure is the most appropriate way of controlling hydro-turbine equipment on agricultural and forestry premises as set out in Table 10?	Y		In Wales, hydro-energy is an under-utilised method of generating renewable energy. Therefore, the FUW welcomes the inclusion of hydro-energy within these proposals. However, due to difficulties in gaining the necessary abstraction licences from the Environment Agency, the uptake of this technology is likely to be low.
Domestic proposals				
Q.14	Do you agree with the proposal that there should not be permitted development rights for domestic building mounted turbines? If not, then should building mounted turbines be allowed: a) generally on detached dwellings or outbuildings subject to the thresholds in Annex C? b) only on detached dwellings or outbuildings sited at a minimum distance from a boundary? c) only on detached dwellings or outbuildings located in rural areas (e.g. outside a settlement boundary shown in an adopted development plan for the area)? d) subject to limitations other than those suggested at a) to c)(please specify in your response?	Y	N N	While the FUW agrees that it would not be appropriate to have permitted development rights for all domestic situations, it believes that there should be flexibility within the proposals to encourage uptake of renewable energy generation technology, particularly in areas where it will be less intrusive on the landscape and conflicts are less likely to arise. The Union believes that this proposal will provide the greatest flexibility within the proposed development rights whilst also minimising potential conflicts.
Q.15	Do you agree with the proposals for domestic stand-alone turbines as set out in table 11?	Y		While supporting the proposals, the FUW believes that sufficient flexibility should be built into the criteria to allow wind turbines to be installed where there is an existing air source heat pump providing the combined noise level does not exceed the 45 dB L _{AEQ, 5min} limit proposed in the consultation. This would allow a wider range of renewable

				<p>technologies to be available to individuals and therefore greater potential for increased carbon savings.</p> <p>The Union believes that each case should be considered individually and in a site-specific manner. The inclusion of general restrictions on siting developments which are visible from a highway within a World Heritage Site or Conservation Area could lead to the inappropriate siting of renewable energy generation equipment, with the owner and the environment receiving poorer returns.</p>
Q.16	Do you agree with the proposals for air source heat pumps on domestic premises, as set out in Table 12?	Y		See comments on question 15 regarding highways and creating flexibilities in the criteria based on combined noise levels.
Q.17	In addition to the current permitted development rights for domestic solar panels do you agree with the proposals for panels sited on flat roofs as set out in Table 13?	Y		Whilst the FUW supports the extension of the domestic permitted development rights to include the installation of solar panels on flat roofs, the rationale relating to the 'siting on building' criteria is not clear as raised panels placed on flat roofs will have a similar appearance to panels mounted on sloping roofs and walls, which are already afforded permitted development rights under the previously published amendments.
Q.18	We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.			Whilst accepting that budgetary issues are outside the remit of this consultation, the FUW believes that central Government has to provide funding towards the capital costs of installing renewable energy generation equipment as central Government has agreed to the targets for reduced emissions.
Glossary of terms – Annex A				
Q.19	Do you agree with the definitions used for the purposes of this document?	Y		
Q.20	Do other concepts or technologies need specific definitions?	Y		The FUW believes that a definition of 'highway' should be provided in the glossary due to its significance in the proposals.
Consultation Stage Impact Assessments – Annex B				
Q.21	Do you think that the impact assessments provide an accurate assessment of the likely costs and	Y		

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	benefits of the preferred policy options?			
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In conclusion the FUW welcomes and supports the proposed amendments to the Permitted Development Rights as a means of increasing the amount of renewable energy generated with the subsequent benefits of reduced carbon emissions.

I trust due regard will be given to the preceding comments.

Yours sincerely

ANDREW GURNEY
Policy Officer