

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

Amendment to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 for the Installation of Domestic Microgeneration Equipment

The Parliamentary Under Secretary of State (Iain Wright): I have today laid before the House an amendment to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 (the GPDO) which will apply from 6 April 2008. The amendment provides permitted development rights for the installation of specified types of microgeneration equipment on or within the curtilage of dwellinghouses. The equipment includes solar photovoltaics (PV), solar thermal, ground and water source heat pumps, biomass heating and combined heat and power systems. Where permitted development rights are granted, no application for planning permission is needed.

The Government consulted in April 2007 on the proposed extension of householder permitted development rights for microgeneration. There were two main policy objectives; first to provide extra freedom for permitted development so long as it had little or no impact beyond the host property. Secondly, the Government wanted to make it easier for householders to combat climate change by producing their own energy from renewable sources.

In November 2007 the Government issued its response to the consultation. The Government announced that it intended to provide permitted development for the following types of microgeneration: solar panels, wind turbines, heat pumps, biomass and combined heat and power, subject to specific limits and conditions that would ensure that any adverse impact on others was not significant. The response said that standards would need to be set on noise and vibration for wind turbines and air source heat pumps to ensure that neighbours were not disturbed by the development. For that reason, permitted development rights for wind turbines and air source heat pumps would be implemented as soon as these standards and safeguards had been drawn up and put in place. These would be dealt with principally through further work being led by the Department for Business, Enterprise and Regulatory Reform working with key stakeholders, including industry, to develop a certification scheme for microgeneration that covers both standards for products and their installation.

The amendment to the GPDO allows for the installation of solar PV or solar thermal equipment on the wall or roof of a dwellinghouse or a building within its curtilage so long as the equipment does not protrude more than 200 millimetres. Stand alone solar PV or solar thermal will be permitted if its height does not exceed four metres above ground level and it is more than five metres from the boundary. There are restrictions that apply to solar in conservation areas, in World Heritage Sites and to listed buildings.

Good progress has been made on the associated test standards that will apply to wind turbines and air source heat pumps, as part of the Microgeneration Certification Scheme. The scheme and standards have been developed in consultation with stakeholders and industry. In due course, the GPDO will incorporate standards to ensure that habitable rooms of any neighbouring residential property are not exposed to an outside noise level

exceeding 45 decibels. The noise limit will apply to free-standing wind turbines and those mounted on detached dwellings. Similar provisions will apply to air source heat pumps. The decibel level will be reviewed after two years in the light of conditions prevailing at the time.

The Microgeneration Certification Scheme has been notified to the European Commission and cleared, however, reference within the GPDO has to be notified to the Commission under the EC Technical Standards Directive 98/34/EC as a new regulation. This process is likely to be concluded within a few months. The Government will amend the GPDO to grant permitted development rights for wind turbines and air source heat pumps which comply with the certification scheme and standards upon satisfactory completion of this legal process. This amendment will apply to free standing wind turbines, those mounted on detached dwellings, and to air source heat pumps. These rights will not extend to wind turbines on attached dwellings such as semi-detached and terraced houses until further work has been carried out by the Department for Environment, Food and Rural Affairs and industry on potential nuisance to neighbours from structure-borne noise and vibration.

I wish to make it clear to the House that it is only the need to provide a satisfactory standard that addresses noise and vibration issues, which then has to go through the legal process mentioned above that prevents the inclusion of wind turbines and air source heat pumps in the Statutory Instrument laid before Parliament today.