



Welsh Government
Summary of Consultation Responses – Interim
Response

Subordinate Legislation Consolidation and Review

Consolidation of the Town and Country Planning (Use Classes)
Order 1987 and Town and Country Planning (General Permitted
Development) Order 1995

Date of issue: February 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. Introduction

- 1.1 The Subordinate Legislation Consolidation and Review consultation was issued on 31 May and was open for responses until 28 September 2018. It sought views on proposals to consolidate and make selected amendments to town and country planning legislation.
- 1.2 The Town and Country Planning (Use Classes) Order 1987 (UCO) removes the need for planning permission for many material changes of use where the planning impacts of the new uses are similar. The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) grants planning permission for many small and low impact development.
- 1.3 The consultation document proposed a range of amendments to the UCO arising from recommendations from a review of the statutory instrument. Proposed changes to the GPDO resulted from policy commitments to expand renewable energy and telecommunication provision. A total of 64 questions were set out in the consultation document, with a standard form and an online webform provided for ease of response.
- 1.4 Both statutory instruments are large and therefore it will take some time to prepare consolidated text. In the meantime we want the benefit of expanded permitted development rights for renewable energy and telecommunication provision as soon as possible. We therefore propose to make an interim amending order providing for renewable energy and telecommunications, while consolidated versions of the orders are prepared. This document provides an interim summary of the responses to the following questions:
 - Q.26: Do you agree with the permitted development proposals for electric vehicle charging infrastructure?
 - Q.34: Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?
 - Q.35: Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?
 - Q.42: Do you agree the clause inserted by The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 relating to broadband services should be made permanent, removing the requirement to submit a prior approval?
 - Q.43: If you answered yes to Q42, should the notification requirement be retained?

- Q.48: Do you agree with the principle of establishing permitted development rights for non-domestic Solar PV and Thermal without applying a specific energy threshold?
- Q.49: Do you agree that 'development not permitted' listed, (a) to (f), is sufficient to control the potential impacts of solar PV or solar thermal permitted development?
- Q.50: Do you agree that the existing conditions are sufficient to control the potential impacts of solar PV or solar thermal permitted development?
- Q.51: Do you agree there should be no change to the size of ground based solar panel developments (and therefore their energy output) within the curtilage of a non-domestic building?
- Q.52: Do you agree 'development not permitted' listed above, (a) to (c), is sufficient to control the potential impacts of ground based solar PV or solar thermal permitted development within the curtilage of a non-domestic building?
- Q.53: Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?
- Q.54: Do you agree with our approach of not including limitations on non-domestic ground based solar PV or thermal developments on listed buildings, scheduled monuments or other landscape areas? If not, what limitations would you like to see which would still maximise opportunities for deployment on these buildings / sites?

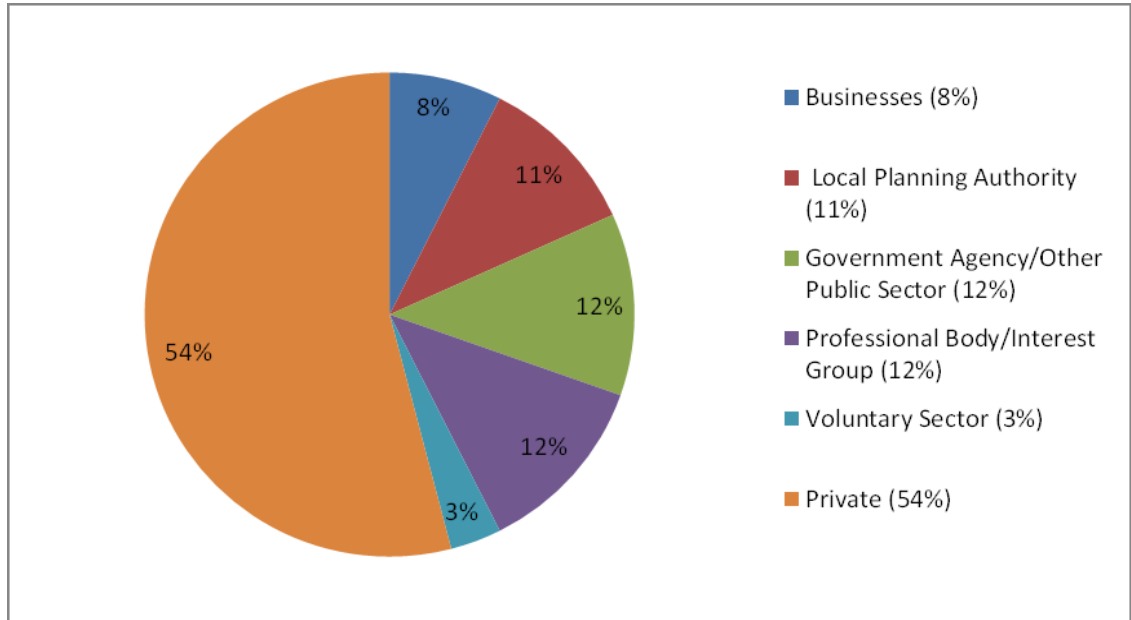
1.5 Copies of the consultation responses are available on request.

2. Next Steps

- 2.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 will be laid before the National Assembly for Wales in February which will introduce provisions relating to electric vehicle charging points, changes to Part 24 relating to fixed-line broadband apparatus, telecommunication mast height, and changes to Part 43 relating to non-domestic solar PV.
- 2.2 The Order will come into force on 1 April 2019.
- 2.3 A summary of all the responses received to the remaining questions within the consultation will be published later this year.

3. Responses

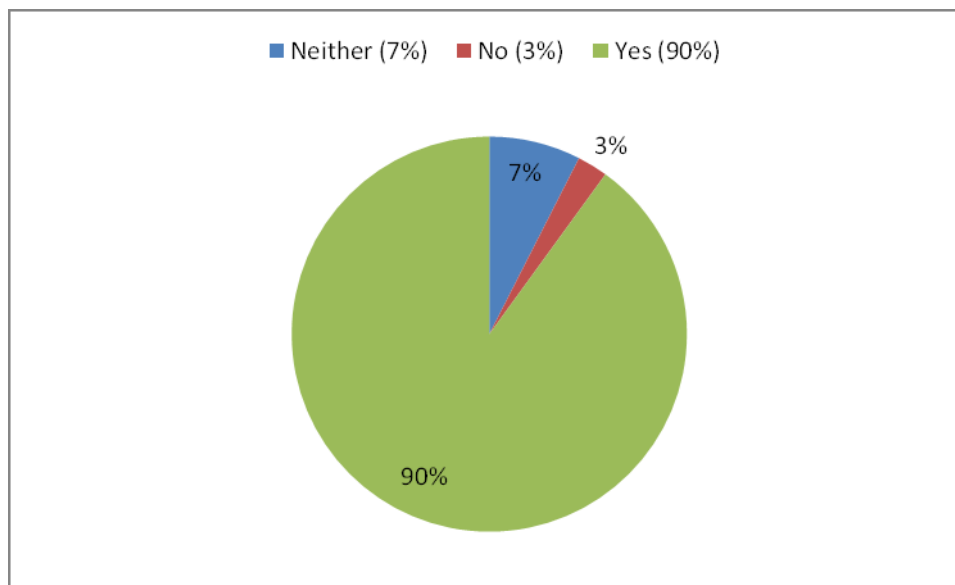
3.1 In total, 148 responses were received in response to the consultation. The respondents represented a number of different interest groups, just over half of which were individual members of the public, with the full categorisation of responses as follows:



4. Consultation Questions

Electric Vehicle Charging Infrastructure

Q.26 Do you agree with the permitted development proposals for electric vehicle charging infrastructure?



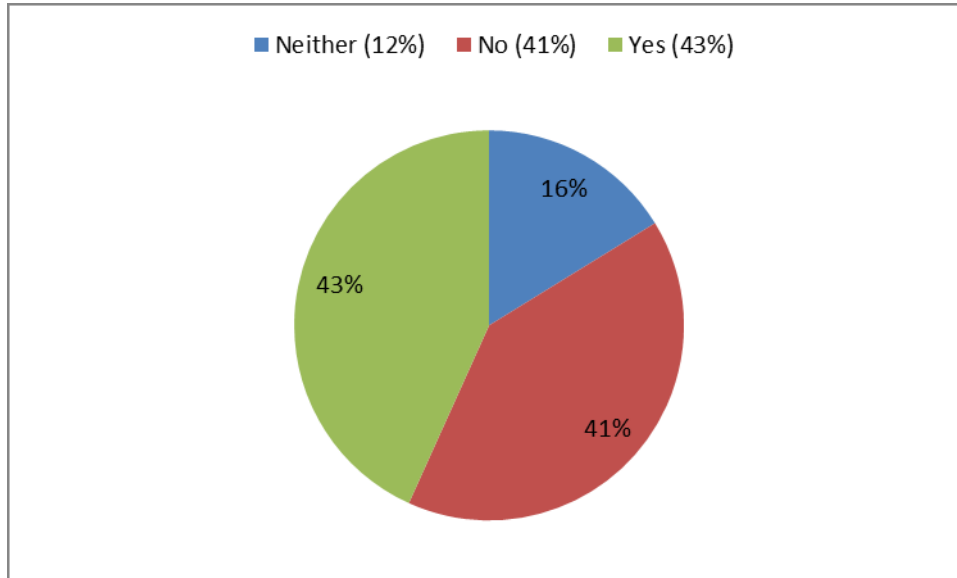
- 4.1 Of those who responded to the question, the majority (88% of those who answered) agreed with the proposal to introduce permitted development rights for electric vehicle charging infrastructure.
- 4.2 Flintshire County Council commented “the scale and size of wall mounted outlet for charging electric vehicles and the size and scale of upstands required to mount outlets seem proportionate and acceptable to limit visual impact whilst supporting positive uptake of such electric vehicles”. This position was supported by other Local Planning Authorities, including the county councils and county borough councils of Bridgend, Caerphilly, Carmarthenshire, Ceredigion, Conwy, Gwynedd, Isle of Anglesey, Neath Port Talbot, Pembrokeshire, Rhondda Cynon Taf and Torfaen.
- 4.3 Those who disagreed considered the proposed scope of the permitted development right was too broad and should only apply to off-road car parks.
- 4.4 A small number of respondents including the Clwydian Range and Dee Valley AONB Joint Committee and CADW, qualified their response by requesting controls over the installation of apparatus in protected areas and on/within the curtilage of listed buildings. Concerns were expressed that electric vehicle charging infrastructure can adversely impact on the traditional character of historic areas and listed buildings.

Welsh Government Response

- 4.5 In respect of the comments from some respondents regarding potential impacts on conservation areas, there is a fine balance between the need to preserve and enhance areas of defined special character and the need to provide new infrastructure to drive sustainable growth, decarbonising the transport network in Wales and combating climate change. It is essential to deploy all our policy levers in Government to ensure we have the necessary supporting infrastructure to achieve this aim. The introduction of permitted development rights will expedite the creation of a Wales-wide network of electric vehicle charging infrastructure - at homes, workplaces and key destinations, such as supermarkets, retail and commercial centres and leisure facilities. To ensure the infrastructure can be rolled out on a Wales-wide basis, and the benefits of decarbonised travel experienced by all, it is essential that any limitations on the scope of the permitted development right are kept to a minimum.
- 4.6 Notwithstanding this, where Local Planning Authorities (LPAs) consider there are circumstances where the impact of such development has the potential to be significantly adverse, they may impose an Article 4 Direction to withdraw permitted development rights for the specific area, enabling further assessment through the submission of a planning application. It is considered that this targeted approach maximises the benefits of permitted development rights, which would otherwise be lost through a blanket prohibition.
- 4.7 In respect of development affecting listed buildings, an application for listed building consent (LBC) will be required prior to installation. The LBC process enables LPAs to evaluate any adverse impact upon the special character or setting of the listed building and determine whether the development can take place as proposed. Therefore, excluding listed buildings from the proposed permitted development right is not considered necessary.

Telecommunications

Q.34 Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?



- 4.8 There were 37 responses to question 34. Opinions on whether mast height should be increased were split; 43% of responses agreed with the proposals and 40% disagreed. 16% neither agreed nor disagreed.
- 4.9 Fifteen Local Planning Authorities responded (the 3 National Parks were represented in one combined response), of which seven agreed, seven disagreed with the proposals and one did not express a view either way.
- 4.10 The most common concern expressed by respondents related to visual impact. It was considered that increases in height could be detrimental to the environment, particularly in protected areas such as National Parks or Areas of Outstanding Natural Beauty (AONB). However, other areas outside sensitive locations were also considered to be at risk from taller masts. A number of respondents reflected these concerns including Clwydian Range and Dee Valley AONB, Campaign for National Parks, National Park Authorities, Natural Resources Wales, the Royal Town Planning Institute and a number of Local Planning Authorities.
- 4.11 Respondents considered there was insufficient evidence to support changes in height. One respondent stated there was no substantive evidence of planning applications above 15m being unreasonably refused. Another commented that there was no evidence protection afforded designated landscapes were a barrier to deployment of mobile infrastructure. Some said more consideration should be given to subsidising masts in areas to encourage provision where viability was an issue.
- 4.12 One industry representative disagreed with the proposals because they felt the changes did not go far enough. Also, the point was made that the

changes do not allow the replacement and alteration of masts, which do not exceed the previous permitted height of 15m or 20m (depending whether they are proposed on protected or unprotected land), without prior notification. This was considered to be out of step with other areas of the United Kingdom.

Welsh Government Response

4.13 The purpose behind the proposal to increase mast height is to support the deployment of mobile infrastructure and to improve mobile coverage to help provide better services to individuals, communities and businesses across Wales. This aim reflects the aspirations of the Welsh Government's Economic Action Plan, which sees digital infrastructure as a key enabler to delivering inclusive growth and well being. The Welsh Government's Mobile Action Plan helps put in to practice these aspirations recognising the role of the planning system in achieving better mobile phone coverage across Wales. It is essential the planning system responds positively to the requirements of developing a modern telecoms infrastructure, particularly given the challenges presented by Wales's topography and population distribution. The use of permitted development rights is an important tool in helping achieve these objectives.

4.14 With regard to concerns about the visual impact of increases in mast height, the Welsh Government considers the proposed height increases to be a proportionate response to the need for improved deployment, coverage, and service across Wales. While problems of mobile coverage exist in both urban and rural locations, this is especially the case in rural locations, where significant 'not spots' continue to persist.

4.15 The Welsh Government recognises there is a balance between the need to provide improved telecommunications coverage and connectivity, with the need to ensure the environment is protected for current and future generations. Other than specific conditions regarding alteration and replacement of masts (see below), increases in mast height or the installation of new ground based masts require prior notification procedures, where design and location can be assessed by the Local Planning Authority and any necessary consultations carried out. Prior notification is a procedure whereby a developer must notify the authority of proposals before they can exercise permitted development rights. This enables the Local Planning Authority to consider whether the assessment of impacts is required. If so, further information may be requested by the Authority to subsequently inform the determination of whether approval of the design and location should be given.

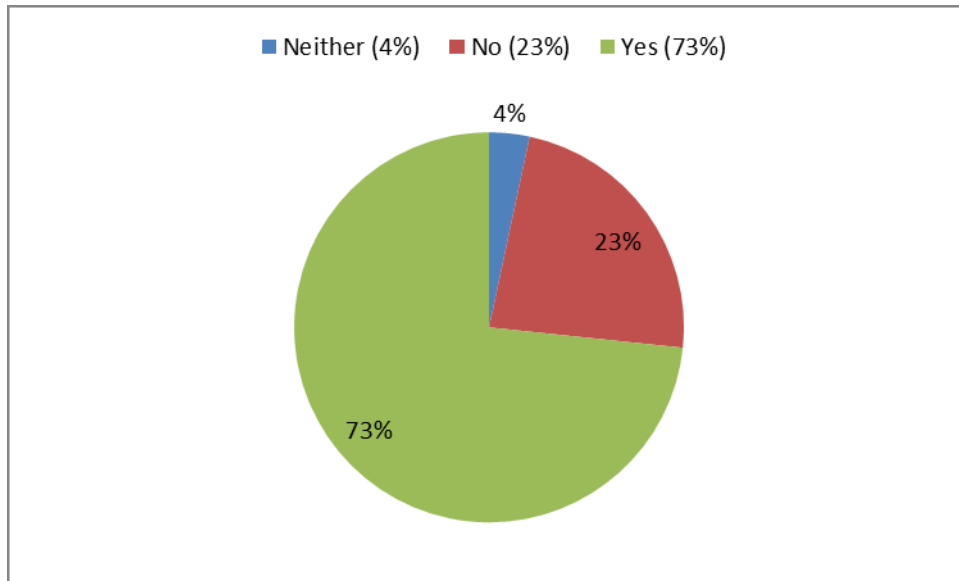
4.16 The proposed increases in mast height are similar to changes already made in England and Scotland and will help provide a more consistent approach to deployment for the mobile industry.

4.17 In terms of evidence to support increases in height the planning

research 'Planning for Mobile Telecommunications An Assessment of Permitted Development Rights in Wales (January 2018) identifies a number of ways in which taller masts can provide benefits to coverage and service in both urban and rural areas. Taller masts can rise above topographical clutter, particularly in urban areas, providing better coverage and service to local populations. In rural areas there are difficulties in connecting sites to networks, taller masts can also help improve 'line of sight' connectivity. Commercial viability of masts in rural locations is important and their construction and operation can be expensive relative to urban developments. Any benefits in mobile service delivery realised from increasing mast height in rural locations can help support a mast's viability.

- 4.18 With regard to the mobile industry's concern the consultation proposals do not allow the alteration or replacement of some masts without prior notification, the Welsh Government intends to make an amendment allowing alteration or replacement of masts without prior notification under specific circumstances. This amendment applies when the alteration or replacement of a mast does not exceed the mast's previous height or the permitted height set out in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order November 2014. This is in line with changes introduced to permitted development rights in England during 2016. Any increases between the existing permitted height and the proposed permitted height would be subject to the prior notification procedure.

Q.35 Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?



4.19 There were 30 responses to question 35. Strong support was given for the proposal to change the definition of mast width, with 73% in favour and 23% not in favour.

4.20 Thirteen Local Planning Authorities in addition to the combined National Park Authorities response. Of all respondents, 11 agreed with the proposal and 4 disagreed (including the National Parks Authorities). Other respondents who did not agree with the proposal included Campaign for National Parks, and the Royal Town Planning Institute. Natural Resources Wales, whilst supporting the change in principle, considered National Parks and AONBs should be excluded, so for this reason they have been recorded as neither agreeing nor disagreeing.

4.21 A number of respondents agreed, accepting some development was necessary but asked for greater promotion of site sharing, to minimise the number of masts to an effective minimum.

4.22 Concerns were expressed that changes to width could be detrimental to conserving and enhancing natural beauty in designated landscapes. Width increases could impact on the visual character of areas, and could occur in conjunction with increases in mast height.

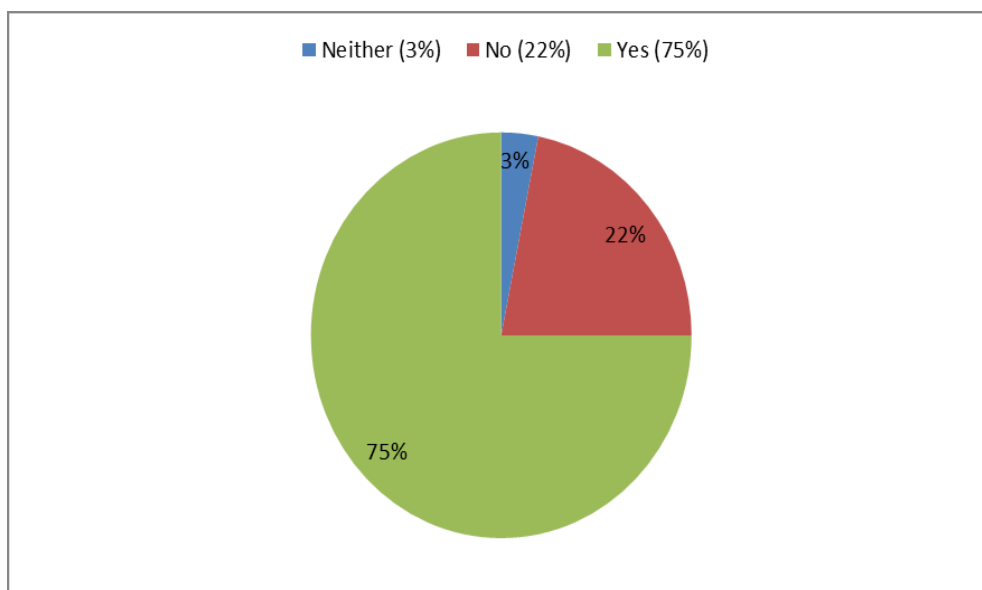
Welsh Government Response

4.23 The majority of respondents agreed to the proposed change to mast width. However, those disagreeing were mainly concerned with visual impact, particularly in protected areas. Changes in width relate to existing masts and the principle of their siting is

therefore already established. The existing provisions currently permit increases no more than one third of the existing mast. The proposed change to allow increases of one metre or one third of the original mast, whichever is greater. This is to apply to both protected land (although not in Sites of Special Scientific Importance (SSSIs), see below) and non protected land and is intended to enable a more flexible response to telecoms needs across Wales.

- 4.24 Rural parts of Wales often experience particular challenges in the provision of mobile telecoms service and coverage. Width increases offer a number of benefits such as allowing additional equipment and capacity on masts, reducing the need for additional infrastructure by encouraging sharing, and helping stabilise masts which have increased in height.
- 4.25 With regard to mast sharing, this is already promoted in Planning Policy Wales.
- 4.26 While in protected areas, the intention is to allow the same increase in mast width, a different approach will be taken within SSSIs. It is proposed to restrict alteration or replacement to the existing width of the mast, due to the ecological sensitivity of such sites.

Q.42 Do you agree the clause inserted by The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 relating to broadband services should be made permanent, removing the requirement to submit a prior approval?



- 4.27 Of those who responded to the question, the majority (75% of those who answered) agreed with the proposal to remove the prior approval requirement relating to the installation of fixed line broadband apparatus in article 1(5) land.
- 4.28 Those in support of the proposal include 12 Local Planning Authorities, 4 Community and Town Councils, the Campaign for the Protection of Rural Wales, Country Land & Business Association & Openreach.
- 4.29 Those who disagreed with the proposal include 5 Local Planning Authorities, Clwydian Range and Dee Valley AONB Joint Committee, Natural Resources Wales, Campaign for National Parks and Arqiva.
- 4.30 Of those who disagreed, the main reason concerned the need to retain greater control over development in Article 1(5) land to prevent inappropriate development which could impact upon the special qualities of sensitive locations, such as national parks and conservation areas.
- 4.31 Clwydian Range and Dee Valley AONB Joint Committee commented that “the temporary relaxation of fixed line broadband safeguards for Article 1(5) land was an exceptional action to facilitate the roll-out of Superfast Cymru, after which it was agreed that the prior notification requirement to protect these sensitive areas would be reinstated. The need to protect such areas has not diminished and the prior notification requirements are not onerous for operators”.
- 4.32 Campaign for National Parks also considered that the removal of the prior approval process sets a dangerous precedent and will lead to

increased pressure for the relaxation of other planning regulations in protected landscapes.

- 4.33 Arqiva also objected on the grounds that they consider that the PDR is anti-competitive and places an unfair advantage over wireless operators in the deployment of fast broadband services to remote parts of Wales.

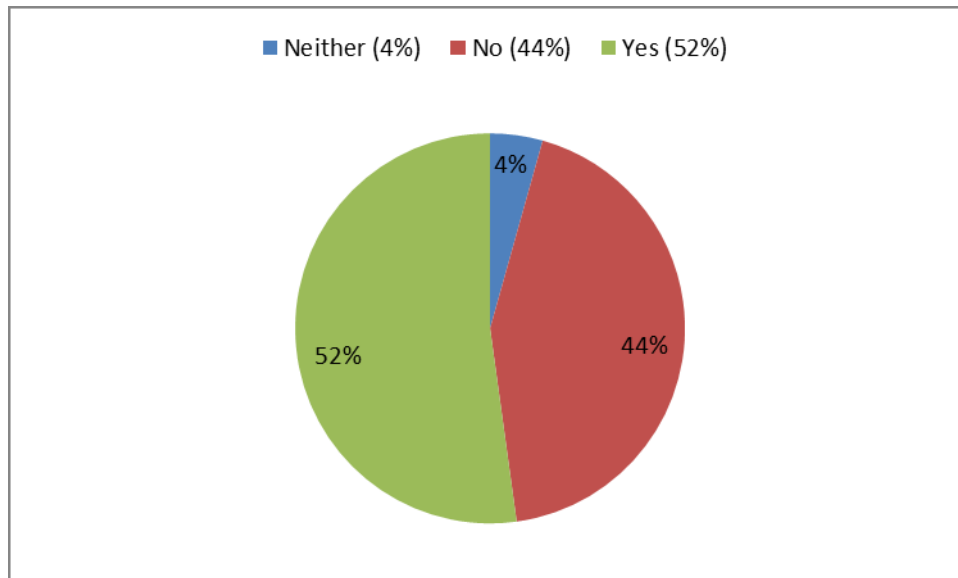
Welsh Government Response

- 4.34 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014 provided for, in relation to article 1(5) land, the construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services without the requirement for prior approval of the Local Planning Authority.
- 4.35 This change was undertaken to support and coincide with the Welsh Government's Superfast Cymru initiative to deliver fast and reliable broadband to those parts of Wales not currently served by the market, which was programmed to end in May 2018. It was introduced to simplify and expedite the planning process, reducing delays and encourage the installation of broadband infrastructure through this specific initiative and more generally.
- 4.36 The Welsh Government is continuing to work with operators to further extend coverage and build upon the success of Superfast Cymru. Broadband providers are continuing to deploy commercially across Wales and the need for street cabinets and other associated apparatus will continue to be essential to help deliver the Welsh Government's objectives.
- 4.37 The delivery of fast reliable broadband to those parts of Wales not currently served by the market remains a nationally important program and a government commitment, as stated in Prosperity for All: the National Strategy.
- 4.38 While the landscape impacts of cabinets are acknowledged. There is a fine balance between the need to provide homeowners located in rural areas (where both telecommunication and broadband coverage has generally been lower than in less rural areas) with greater connectivity and the need to ensure that the interests of the wider environment are protected. Inevitably there is a fine balance between these interests and it is not possible to satisfy the interests of every party when creating a national planning permission.
- 4.39 Continuation of this provision will assist in the progress towards complete broadband coverage in Wales, which in turn will help support sustainable and prosperous rural communities, and enable better access to services.
- 4.40 The retention of the notification requirement (see question 43) and the existing conditions relating to scale and appearance will reduce the risks of adverse impacts. In addition, the Article 4

process remains a tool available to Local Planning Authorities should they consider the impact of such development requires further assessment through the submission of a planning application. As with the electric vehicle charging point proposals, it is considered a targeted approach maximises the benefits of permitted development rights, which would otherwise be lost through a blanket prohibition..

4.41 The Welsh Government does not agree with the comments regarding unfair competition. Part 24 of the GPDO also grants consent for various forms of development for mobile telecommunication providing an equal opportunity for mobile broadband providers to extend their coverage.

Q.43 If you answered yes to Q42, should the notification requirement be retained?



4.42 Of those who responded to the question, just over half of respondents supported retaining the notification required by the conditions for fixed-line broadband infrastructure permitted development. Local Planning Authorities (to whom the notifications are sent) were split half and half on this question.

4.43 Most of the responses to this question were not qualified with the rationale for the position taken.

4.44 Openreach, the main provider of fixed line broadband in Wales, were of the view there is value in retaining the notification requirement to continue ongoing dialogue with LPAs which can have a positive benefit for communities.

4.45 Of those who are against retaining the notification requirement, some commented that the conditions relating to the appearance of the infrastructure are sufficient to ensure any impact will be minimal.

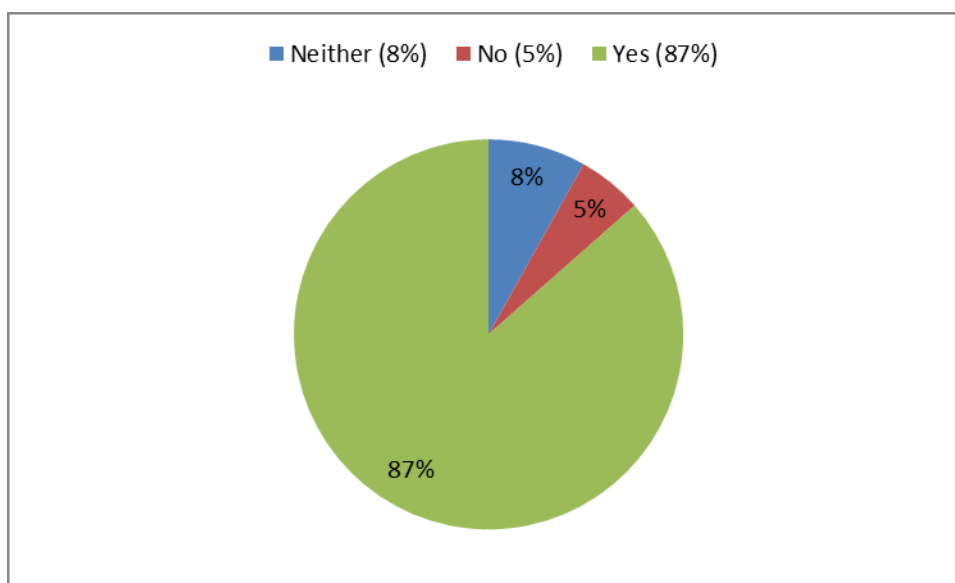
Welsh Government Response

4.46 There is a clear split on the matter of retaining the notification requirement. However, it is considered, evidenced by the response from Openreach, the process remains a useful means of commencing dialogue with LPAs regarding the development of fixed-line broadband infrastructure without exerting delay to the roll-out of superfast broadband in Wales.

4.47 Openreach raised no objection to retaining the process but did propose the notification period could be reduced. The notification period is currently 1 month which the Welsh Government considers is appropriate to ensure sufficient time for dialogue to be undertaken with LPAs where necessary.

Non-Domestic Solar PV

Q.48 Do you agree with the principle of establishing permitted development rights for non-domestic Solar PV and Thermal without applying a specific energy threshold?



4.48 There were 37 responses to question 48. The majority of respondents, 86%, supported the removal of energy output thresholds and 5% did not.

4.49 Fifteen Local Planning Authorities responded (this includes the combined response of the Welsh National Parks), all of which agreed to the change. Other organisations agreeing to this included CLA, Campaign for National Parks, RSPB, and CPRW. CADW and Natural Resources Wales did not agree.

- 4.50 Concern was expressed about the visual impact of proposals. In designated areas it was considered proposals, some of which might be large scale, would be detrimental to conserving and enhancing a landscape's natural beauty. Another respondent considered the proliferation and impact of apparatus needed to be considered in relation to the street scene, and planning guidance issued to help decision makers and applicants.
- 4.51 It was argued in relation to World Heritage Sites, their essential settings, or buffer zones, had been omitted from areas to be protected from non domestic solar development, and should be added to the restrictions set out in section 3.134(e) of the consultation paper. Without protection, significant impact to a site's Outstanding Universal Values could occur. A 0.5km restriction should be applied to comply with Schedule 4, paragraph (l) (ii)(a) of the Town and Country Planning (Development Procedure) (Wales) (Amendment) Order 2016 which states CADW must be consulted on development within 0.5km of a scheduled monument. In addition the intention not to include limitations on listed buildings (as set out in paragraph 3.142 of the consultation paper) was also concerning to some respondents. Such installations would always need consent. It was argued clear limitations would avoid confusion about whether consent is needed or not.
- 4.52 The Ministry of Defence (MOD) expressed concerns regarding terminology and definitions used, such as the meaning of 'transport safety' and definition of an airfield, and questioned why a 1km exclusion zone around operational airfields was chosen and where measurement of the zone is taken from. The MOD felt exclusions should be expanded and drew attention to potential impacts of solar development on effective operation of safeguarded installations.

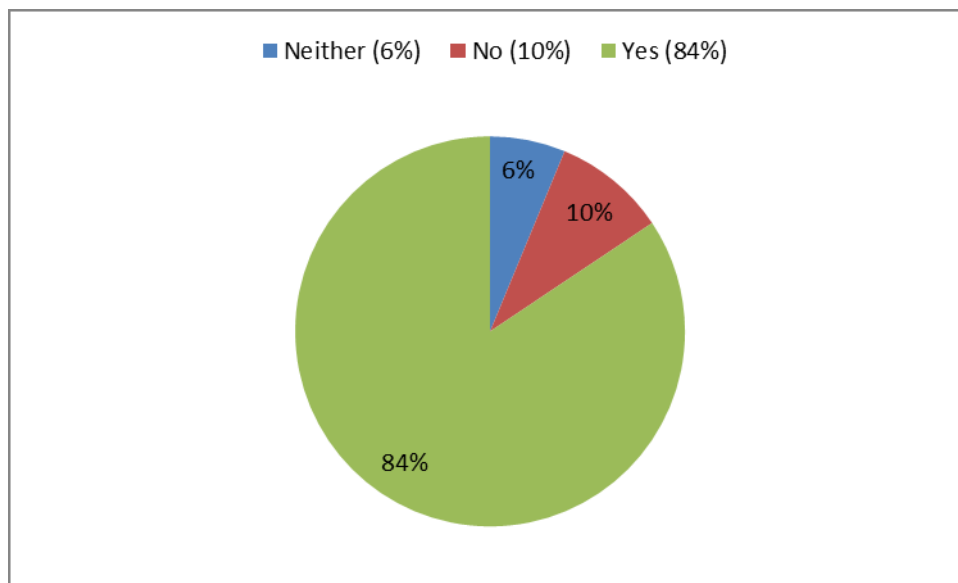
Welsh Government Response

- 4.53 The Welsh Government welcomes the positive response to removing an energy output threshold for solar development on non domestic buildings.
- 4.54 Currently non domestic buildings fall under micro generation, which allows relatively small amounts of energy and heat production (45kw and 50kw respectively) without planning permission. Whilst these limits remain appropriate for domestic properties they are not flexible enough to respond to the demands of businesses with larger buildings wishing to take advantage of the scalability of renewable energy. The proposals remove the output threshold and requirement for planning permission and apply restrictions through limitations and conditions.
- 4.55 Although the majority of respondents support the proposal, concern has nevertheless been expressed that limitations in the consultation (a) to (f) do not go far enough to protect sensitive sites. The consultation omitted listed buildings and scheduled monuments, which were previously included in the limitations. In response to these comments, the Welsh Government proposes to

retain the existing limitations (a) to (g) set out in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2012 Part 43 Installation of Non-Domestic Microgeneration – including where solar panels are installed on a building within the curtilage of a listed building, and where they are installed on a site designated as a scheduled monument. In addition, The Welsh Government proposes to include one further limitation covering solar development within 3km of an airport or aerodrome (see below).

- 4.56 In addition to the limitations described above, a consent regime applies for both listed building and scheduled monuments. In respect of listed buildings, an application for listed building consent (LBC) to Local Planning Authorities will be required prior to development commencing. Similarly it is a legal requirement to obtain the written consent of Welsh Government before carrying out most types of work on a scheduled monument. Scheduled Monument Consent (SMC) is obtained from Cadw. Consent regimes are not duplicated in the draft Amendment Order, or any provisions relating to World Heritage sites set out in the Town and Country Planning (Development Procedure) (Wales) (Amendment) Order 2016.
- 4.57 In response to concerns by the Ministry of Defence about the safe operation of their estate, the consultation's proposed limitation A1 (f) introducing a 1km zone around operational airfields and airports is now extended to 3km. Within the zone permitted development rights do not apply. Whilst this change has the effect of reining back existing permitted development rights near airfields and airports, it means solar developments on non-domestic roofs can be properly assessed through the planning process. Outside these zones there is no limit to the amount of solar development on a non-domestic roof, subject to limitations and conditions. Measurement of the zone is taken from the perimeter of the airfield or airport.
- 4.58 Within the zone the requirement for Local Planning Authorities to consult appropriate stakeholders can take account of any need to consider glare assessments. Outside the 3km zone it is proposed, under condition A.2 (b) (PV or solar thermal equipment on buildings) and B.2 (Standalone PV or solar thermal equipment), to require developers to consider the impact of glare on amenity.

Q.49 Do you agree that 'development not permitted' listed, (a) to (f), is sufficient to control the potential impacts of solar PV or solar thermal permitted development?

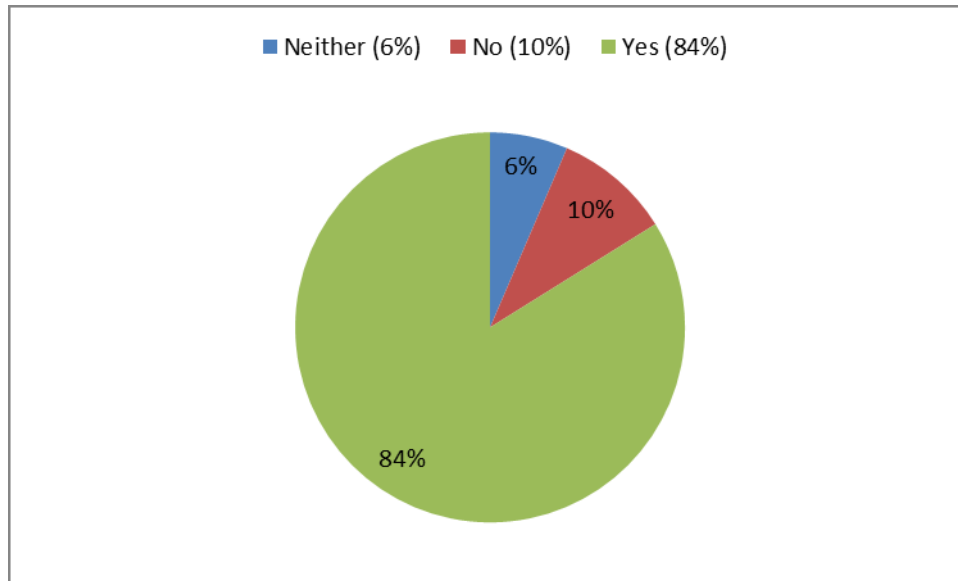


- 4.59 There were 32 responses to question 49. Twenty seven of these (84%) agreed the list of circumstances where solar development was not permitted was sufficient. Three respondents (9%) did not agree.
- 4.60 Fourteen Local Planning Authorities responded, all of which supported the list (including National Park Authorities). Other respondents supporting the list included CPRW and CLA. Campaign for National Parks and Cymdeithas Eryi Snowdonia Society did not support the list.
- 4.61 Those disagreeing with the list were concerned it does not take account of the impact of an increase in the number of solar panels on article 1(5) land not fronting a public highway. It was considered such development could have impacts across a wider area, for example, recreational users of public rights of way. Locations such as canals, linked for example to World Heritage Sites, were identified as areas which were not sufficiently taken in to account.
- 4.62 It was considered planning permission would allow proposals in sensitive areas to be properly taken in to account, for example, decisions in support of National Park purposes. Removing the need for permission could result in proliferation of development in unsuitable locations, or lead to the erection of buildings solely for renewable energy production.
- 4.63 The Canal and Rivers Trust indicated a number of canals in Wales are associated with World Heritage Sites and other important landscapes. They suggested the siting impact of permitted development rights on publicly accessible canals needs to be considered because siting criteria in (e) is limited to development fronting a highway.

Welsh Government Response

- 4.64 There was significant support for the proposal set out in question 49.
- 4.65 Concern was nevertheless expressed about potential visual impact in sensitive areas. Following respondents' comments to question 48, about the level of protection afforded by the A.1 limitations (a) to (f) listed in the consultation paper, amendments are proposed to retain existing limitations (a) to (g) set out in the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2012 Part 43 Installation of Non-Domestic Micro-generation, which includes protection for listed buildings and scheduled monuments (see question 48 above for details). One further limitation is proposed (as described in 4.59 above), that is, the introduction of a 3km zone around an airport or aerodrome in place of the originally proposed 1km. It is considered the proposed A.1 limitations described above provide sufficient protection where it is required.
- 4.66 With regard to concerns proposals could lead to the erection of new buildings specifically for solar development. Local Planning Authorities are able to consider such matters when determining planning applications. National planning policies set out the circumstances when new building is appropriate in the countryside and in sensitive areas, which is applied through Local Development Plans and development management. Agricultural buildings are subject to limits on floor areas and prior notification means location and design can be scrutinised. In particularly sensitive areas, Local Planning Authorities can use article 4 directions removing permitted development rights to further control development, for example where a proliferation of farm buildings could impact on the character of the landscape.
- 4.67 The generation of renewable energy on agricultural units is identified as an appropriate form of agricultural diversification, the principle of which is supported by the Welsh Government in Planning Policy Wales Edition 10. Diversification incorporating renewable energy schemes can increase the viability of rural enterprises and should be supported where they do not have a detrimental impact on the environment and local amenity.

Q.50 Do you agree that the existing conditions are sufficient to control the potential impacts of solar PV or solar thermal permitted development?



4.68 There were 31 responses to question 50. Twenty six (84%) agreed the existing conditions were sufficient while three (10%) did not.

4.69 All fourteen Local Planning Authorities responding to this question (including the National Park Authorities) agreed the conditions were sufficient. Others who agreed included CPRW and CLA. Two of those disagreeing with the conditions included the Campaign for National Parks and the Institute of Civil Engineering.

4.70 Concern was expressed that the conditions do not take account of the impact of an increase in the number of solar panels on article 1(5) land. Planning permission would allow full consideration of this ensuring decisions take account of National Park purposes. Removing the need for permission could result in a proliferation of solar panels in unsuitable locations.

4.71 A further comment stated solar development should not be sited where it could cause glare to drivers.

Welsh Government Response

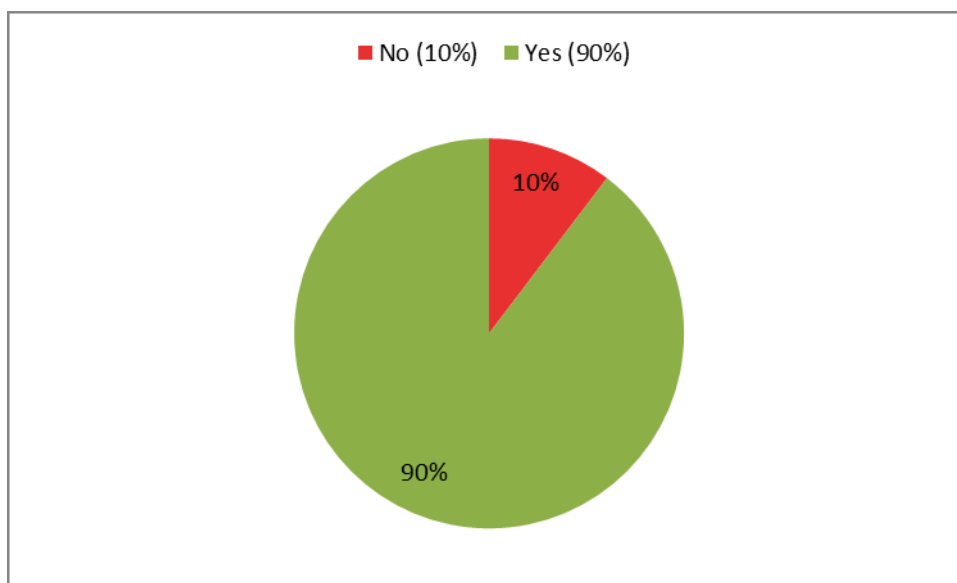
4.72 The conditions as described in Class A2 of Part 43 Installation of Non-domestic Micro-generation Equipment are to be retained largely as they are accept for A.2(b), which is to include reference to glare and A2.(c) which is to omit the term 'microgeneration' .

4.73 With regard to A.2(b), it is proposed that developers, in assessing impact on amenity, also consider the possible effects of glare (reflection of sunlight) from solar and thermal panels. In most instances, particularly when developments are small the effects

are likely to be minimal, however if developments are large there may be more potential for glare to affect amenity.

4.74 The Welsh Government considers these conditions provide sufficient limits to minimise adverse planning impacts.

Q.51 Do you agree there should be no change to the size of ground based solar panel developments (and therefore their energy output) within the curtilage of a non-domestic building?



4.75 There were 29 responses to question 51. Twenty six (90%) supported the proposal not to change the maximum permitted size of ground based solar arrays within the curtilage of a building. Three (10%) did not support the proposal.

4.76 All 15 LPAs who responded agreed no change should be made to ground based solar arrays within the curtilage of a non domestic building. Two of those disagreeing included the CLA and Campaign for National Parks.

4.77 The main concerns were there should not be permitted development rights on article 1(5) land because of their potential visual impact, while a contradictory view was put forward suggesting development should be allowed up to the edges of a non domestic building's curtilage, to maximise land use.

Welsh Government Response

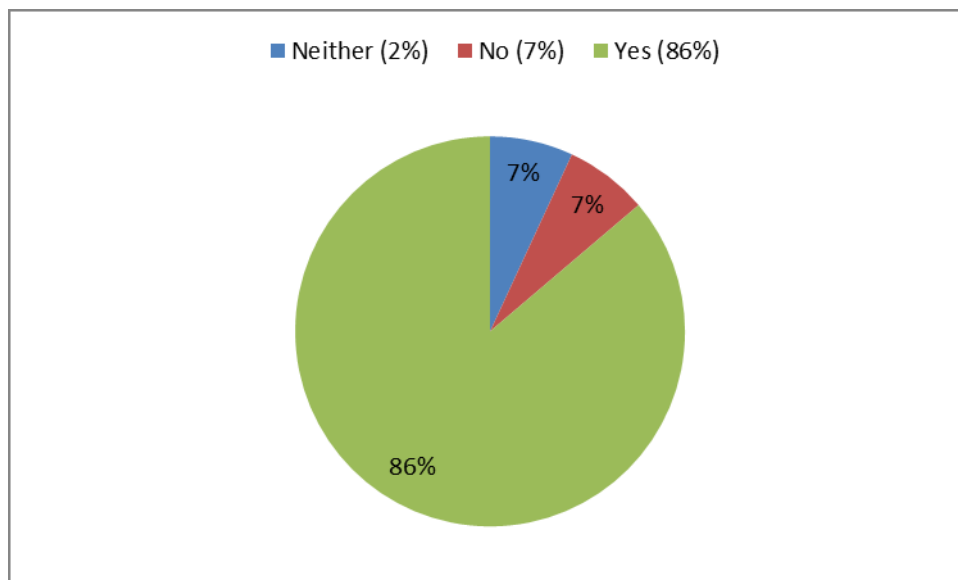
4.78 The Welsh Government welcomes the positive response to question 51.

4.79 It is considered the Welsh Government has put in place sufficient safeguards, through existing limitations and conditions in Class B1 and B2 (stand alone Solar PV and thermal panels), to ensure development on article 1(5) land or other sensitive areas are properly taken into account.

4.80 With regard to consultation comments about maximising the development of ground based solar panels within a curtilage of a non domestic building, the Welsh Government considers such development could raise issues, or give rise to impacts, similar to those presented by large scale ground mounted solar arrays (outside the curtilage of a building) for which planning permission is appropriately required. The research undertaken concluded a significant increase in the size or number of ground based solar panels would be required for there to be a meaningful enhancement of energy generation within the curtilage of a building.

4.81 No change to the size of non-domestic ground based solar panels permitted within the curtilage of a building is proposed.

Q.52 Do you agree 'development not permitted', (a) to (c), is sufficient to control the potential impacts of ground based solar PV or solar thermal permitted development within the curtilage of a non-domestic building?



4.82 There were 29 responses to question 52. Twenty five (86%) supported this question, while 2 (14%) did not.

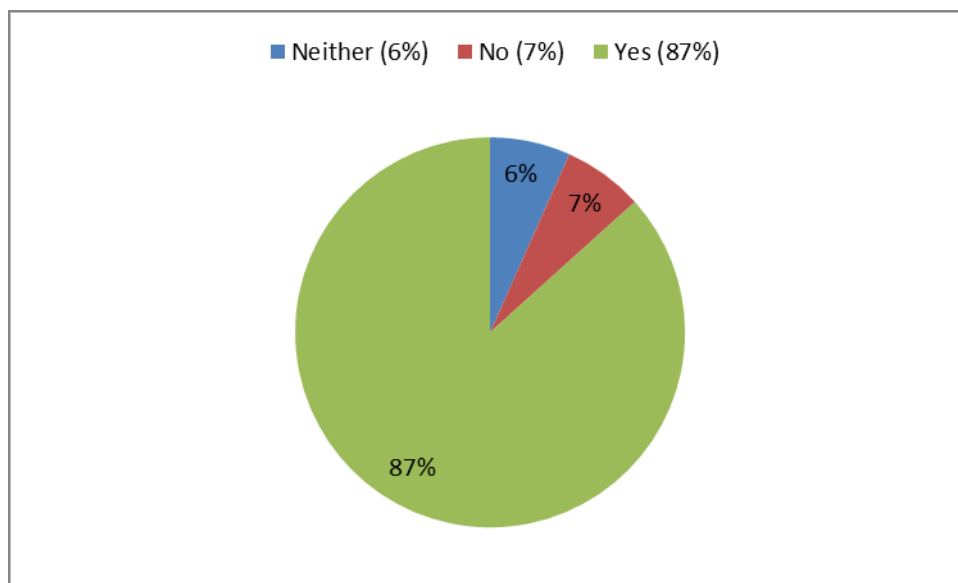
4.83 Fifteen Local Planning Authorities responded, 14 agreed (including Welsh National Park Authorities) and 1 neither agreed nor disagreed. The CLA and Campaign for National Parks did not agree.

- 4.84 Concern was expressed that the condition preventing ground based solar development from being visible (fronting a highway) could result in ground arrays initially being hidden behind a hedge or fence and that barrier could be removed at a later date. In Conservation Areas and World Heritage Sites development should be 20 metres or more away from a highway.
- 4.85 Further comments were made the proposal is restrictive and will discourage development.

Welsh Government Response

- 4.86 The majority of responses supported the statement made in question 52.
- 4.87 However, following respondents' comments to question 48 expressing concern about the level of protection afforded the installation, alteration or replacement of solar PV and thermal on buildings in Class A1, amendments are also proposed which retain existing limitations set out in Class B1 (a) to (c) relating to listed buildings and scheduled monuments. In addition, a further limitation is proposed affecting stand alone solar which would be installed within 3 km of an airport or aerodrome.
- 4.88 With the proposed amendments it is considered the Welsh Government will have put in place appropriate safeguards to support permitted development for non domestic ground based solar panels, including in protected and sensitive areas.

Q.53 Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?



4.89 There were 30 responses to question 53. Twenty six (87%) supported the proposal and 2 (7%) did not.

4.90 Fifteen LPAs responded to this question, 14 agreed with the proposal (including Welsh National Park Authorities), while 1 neither agreed nor disagreed. Others agreeing included the CLA, Natural Resources Wales and CPRW. Campaign for National Parks did not agree.

4.91 Concern was expressed that the phrase “so far as practical so as to minimise its effect on the external appearance of the building/amenity of the area”, was subjective and it was questioned how this applies in practice.

4.92 Guidance is required to clarify interpretation of the conditions.

Welsh Government Response

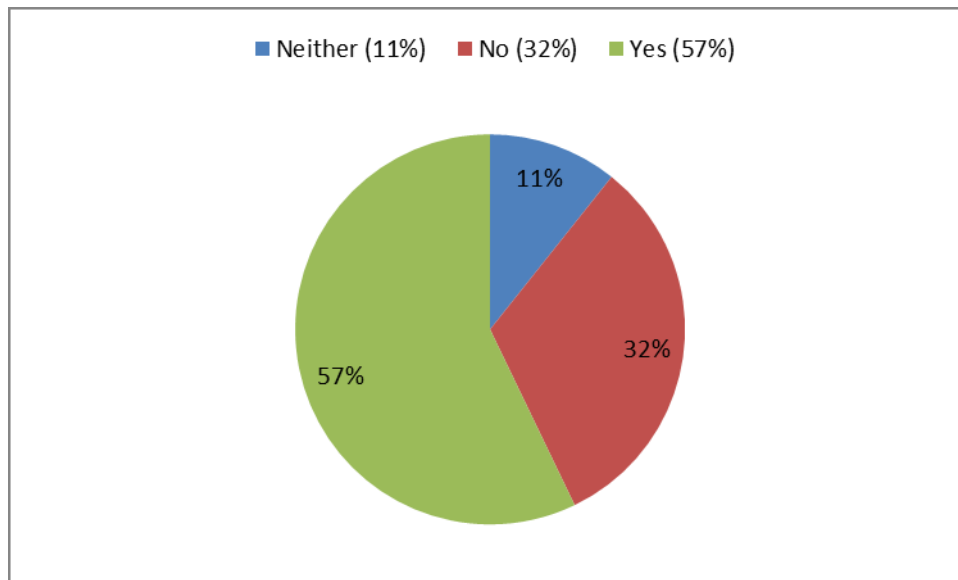
4.93 The majority of consultation responses support the statement made in question 53.

4.94 The Welsh Government considers the conditions set out in Class B2 (a) and (b) provide appropriate support for permitted development for non domestic ground based solar panel development. However, paragraph (a) is to be strengthened so that ground based solar is sited to minimise any impact of glint and glare.

4.95 Paragraph (b) is to omit reference to “microgeneration”.

4.96 The conditions are retained unaltered from the current Part 43.

Q.54 Do you agree with our approach of not including limitations on non-domestic ground based solar PV or thermal developments on listed buildings, scheduled monuments or other landscape areas? If not, what limitations would you like to see which would still maximise opportunities for deployment on these buildings / sites?



4.97 There were 28 responses to question 54. Sixteen (57%) supported the proposal, while 9 (32%) did not.

4.98 Question 54 elicited the most comments compared with other questions on non domestic solar development. Fourteen Local Planning Authorities responded, of which 8 agreed, 4 disagreed and 2 neither agreed nor disagreed. Other respondents who agreed included, CLA, 4 of the Community and Town Councils, and One Voice Wales. Respondents disagreeing included, Campaign for National Parks, Cymdeithas Eryri Snowdonia Society, CPRW, Natural Resources Wales, and Institute of Civil Engineers.

4.99 It was the view of most respondents disagreeing with this proposal that not including limitations on ground based solar in relation to Listed Buildings, Scheduled Monuments and other designated land could result in significant visual impact. In relation to protected buildings appropriate limitations should apply so proposals could be assessed, such as siting within the curtilage, and visibility from open space particularly in designated areas.

4.100 Some comments indicated that full planning permission would ensure new development was properly sited and designed. A proposals impact on character and layout was an important consideration.

4.101 A number of respondents assumed this question referred to 'further limitations' rather than no limitations, and suggested the text should have been split in two. The first part should have referred to Listed Buildings and Scheduled Ancient Monuments, and dealt with siting and design and consideration of prior notification as a minimum requirement to allow

consultation. The second part should consider landscape designations, their definition, and development of criteria with which to assess effects on character, integrity or visual impact. Again prior notification should be required.

- 4.102 In relation to Listed Buildings and Scheduled Monuments, it was emphasised that consent will always be required from the relevant bodies whether or not permitted development rights are applied.

Welsh Government Response

4.103 The Welsh Government agrees that removing limitations and conditions on the development of stand alone solar development within the curtilage of a non domestic property could result in unwanted visual impacts. Therefore, the Welsh Government plans to retain the existing requirements (Part 43 – Installation of Non-Domestic Microgeneration, the town and country Planning (General Permitted Development) (Amendment) (No.2) Order 2012) as set out in Class B ‘stand alone solar’ and to strengthen these as described above in questions 52 and 53.

4.104 It is noted that irrespective of limitations and conditions listed in Part 43 Class B, Listed Building Consent and Scheduled Monument Consent will always be required where change to either is proposed.