



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

GENERATING YOUR OWN ENERGY

Planning Regulations for Microgeneration



3B



Helpu Cymru i leihau
ei Hôl Troed Carbon
Help Wales reduce
its Carbon Footprint

Non-domestic

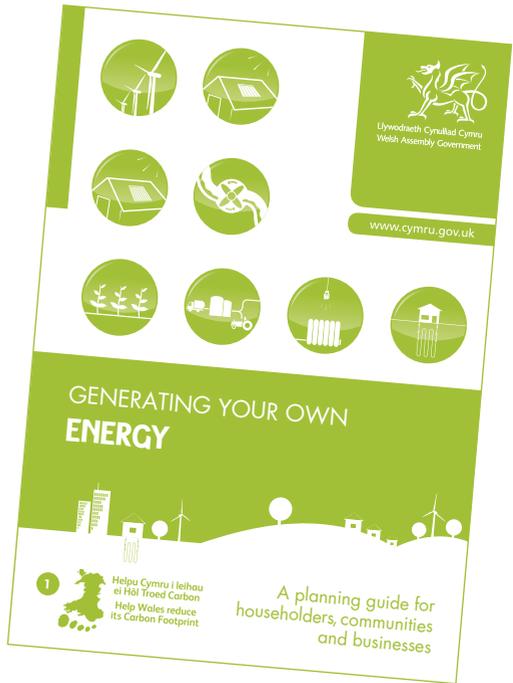
September 2012

Introduction

This leaflet is one in a series of information leaflets for those householders, communities and businesses seeking to install a small or local scale renewable energy technology such as a solar panel or wind turbine.

This leaflet should be read alongside **1 Generating Your Own Energy: A Planning Guide** which provides guidance on reducing carbon emissions, including the need to consider energy efficiency measures first before installing renewable energy.

This leaflet focuses on the current planning requirements for microgeneration technologies for non-domestic properties.



Do I need planning permission for my energy proposal?

Planning permission is required for various types of development. In most cases external installation, alteration or replacement of a renewable energy technology would be considered as 'development' for the purposes of planning, and therefore require you to apply to your local planning authority (council) for permission.

However, there are some types of 'development' that do not require planning permission – this is called 'Permitted Development Rights'. Some micro-generation renewable energy technologies have been given this status, and therefore do not require permission. There are a number of conditions and thresholds to whether they are given this status.

This leaflet sets out a general guide on permitted development rights for microgeneration. It is important that you always contact your local planning authority in the first instance for the current requirements for your particular technology.

See www.planningportal.gov.uk for more information.



What renewable energy (microgeneration) does not require planning permission?

Changes to the Permitted Development Rights have made it possible for some types of microgeneration equipment to be given permitted development rights. This change concerned the installation of specified types of microgeneration equipment on, or within the curtilage of, buildings other than dwellinghouses subject to certain criteria. The change also concerned the permitted development rights of buildings on agricultural or forestry land to house microgeneration equipment.

For the purposes of current permitted development rights for non-domestic microgeneration is defined as follows:

Type	Capacity
Technologies that generate electricity	50 kilowatts (kW)
Technologies that generate heat	45 kilowatts (kW)

It is important to note that when considering the installation of micro-generation and low carbon technologies, you should in the first instance consult your local planning authority about the relevant regulations. These regulations are set out in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2012. For more information on the regulations visit our website at: www.wales.gov.uk/planning.



The Clean Energy Cashback Scheme (Feed-In Tariff)

The Clean Energy Cashback Scheme (also known as the Feed-in Tariff) enables property owners who generate their own electricity from renewable and low carbon sources to obtain a regular payment from their energy supplier. The scheme covers a range of technologies ranging in scale up to 5MW. Please refer to Leaflet **1** **Generating Your Own Energy: A Planning Guide** for further information on the tariff.

The Green Deal

The Green Deal is a UK Government initiative enabling private firms to offer consumers energy efficiency improvements to their businesses and community spaces in order to overcome some of the financial barriers to the uptake of energy efficiency measures without up-front costs being incurred.

There are a range of measures included in the Green Deal, some of these measures include microgeneration technologies such as solar panels and wind turbines.

For more information on the Green Deal visit:

Department for Energy and Climate Change

www.decc.gov.uk

Energy Saving Trust

www.est.org.uk

Tel 0800 512 012



What should I check first?

Before installing a micro-generation technology, it is important to first check whether your property is:

- ✓ In a **Conservation Area** or a **World Heritage Site** as different rules apply in these designations, meaning there are greater restrictions on the types of equipment that can be installed, particularly on the wall of a building facing a highway;
- ✓ A **Listed Building** identified for its historic or architectural interest;
or
- ✓ Subject to an **Article 4 Direction**, or a condition on the original planning permission which removes permitted development rights.

In these cases special provisions apply and you should seek further advice from your local planning authority.

Providing your property is not covered by the above you can install, alter or replace the following technologies

Solar photovoltaic (PV) and solar thermal panels

On a building other than a dwellinghouse provided:

- The panels are not more than 200mm from the plane of an existing pitched roof or the surface of an existing wall.
- The panels do not protrude more than 1 metre above the surface of a flat roof.
- Panels on a roof are not within 1 metre of the external edge of the roof.
- Panels on a wall are not within 1 metre of a junction of that wall with another wall or with the roof of the building.

Stand alone (free standing) PV and solar thermal panels

Within the curtilage of a building other than a dwellinghouse provided:

- They are set at least 5m within the boundary of the curtilage.
- Do not exceed 4m in height.
- You only have one stand alone solar array (one frame for the collection of panels).
- The total surface area of the panels does not exceed 9 square metres and the array (including any housing) does not exceed 3 metres in any dimension.

Ground source heat pumps

Within the curtilage of a building other than a dwellinghouse provided:

- You only have one ground source heat pump within the curtilage.
- The total area covered by the excavation does not exceed 0.5 hectares.

Water source heat pump

Within the curtilage of a building other than a dwellinghouse provided:

- The total area covered by the water source heat pump (including any pipes) does not exceed 0.5 hectares.



Flues for biomass heating or for combined heat and power (CHP) systems

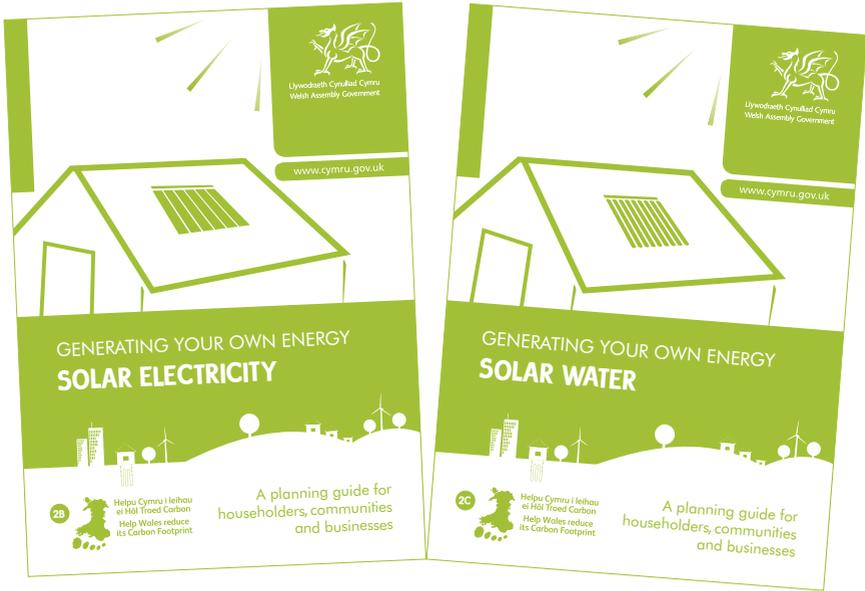
On a building other than a dwellinghouse or a building situated within the curtilage of a dwellinghouse provided:

- The capacity of the system that the flue would serve does not exceed 45 kilowatts thermal.
- The flue does not project more than 1m above the highest part of the roof or the height of an existing flue which is being replaced (whichever is highest).
- You only have one flue, forming part of either a biomass heating system or a combined heat and power system, on the same building.

In most categories, and in particular for solar electricity (photovoltaic) and solar water (solar thermal panels), permitted development is conditional on minimising the effect of the amenity of the area and external appearance of your building, and the equipment must be removed if no longer needed for microgeneration.

There are limits on the installation of solar energy, ground source heat pumps and biomass/CHP flues in conservation areas (except ground source heat pumps), World Heritage Sites and within the curtilage of listed buildings.

For biomass and CHP systems housed inside a building, planning permission is not required. However, it may be necessary to comply with Building Regulations.



Installing equipment - other issues to consider

The following considerations may influence the type of equipment you install and its location on, or within the boundary of, your property. Any possible adverse impacts should be minimised. Please take a look at the technology specific leaflets in part 2 of this pack which details further information on the main impacts these technologies may have and ways in which you can reduce these impacts.

Consideration should be given to impacts on:

- Your neighbours;
- The character of your building and the surrounding area;
- Sites and remains of archaeological interest (whether you are aware of them or they are discovered during the works);
- The setting of a nearby historic park or garden trees (especially those subject to a Tree Preservation Order); and
- Protected species and biodiversity.

It is also important to recognise that there may be other permissions and consents needed, depending on your renewable energy system, such as:

- Listed Building consent if a building is listed.
- Conservation area consent if the development is in a conservation area.
- Trees – many trees are protected by Tree Preservation Orders which mean you need the council's consent to prune or fell them.

- Building Regulations – building work will often need to comply with Building Regulations. For more information on Building Regulations visit our website at:
www.wales.gov.uk/topics/planning/buildingregs.
- Wildlife – some buildings may hold roosts of bats or provide a refuge for other protected species – these are given special protection (Please contact Countryside Council for Wales).
- Environment Agency licences.

Please check with your local planning authority whether any of these apply to your site or your proposal.



Checklist

The following checklist provides a guide to the technologies currently covered by permitted development rights which do not require planning permission for non-domestic buildings.

It also sets out what technology and scale is currently eligible for the Feed In Tariff (for more information on the Feed In Tariff see leaflet **1 Generating Your Own Energy - A Planning Guide for Householders, Communities, and Businesses**).

For further information on each of the individual technologies listed, see the corresponding leaflets in this series.

This checklist should be used as a guide only – there are areas where permitted development rights do not apply and there are various limits and thresholds as to what you can do without needing planning permission. See earlier on in this leaflet for more information.

Permitted Development for non-domestic properties - A quick guide

Leaflet	Technology	Scale*	Permitted Development	FIT***
2A	Wind	0 – 50 kW	✗	✓
		50 kW – 5 MW	✗	✓
2B	Solar Photovoltaic (electric)	0 – 50 kW	✓	✓
		50 kW – 5 MW	✗	✓
2B	Solar Thermal (water)	0 – 45 kW	✓	✗
2C	Hydro**	0 – 5 MW	✗	✓
2D	Biomass Heating**	0 – 45 kW	✓ (flues only)	✗
2E	Anaerobic Digestion**	0 – 5 MW	✗	✓
2F	CHP	0 – 2 kW	✓ (flues only)	✓
		2 kW – 45kW	✓ (flues only)	✗
2G	Heat Pumps	0 – 45 kW	Air – ✗	✗
			Ground – ✓	✗
			Water – ✓	✗

* Note: 1 kW = 1000 w

1 mW = 1000 kw (so 5MW = 5,000 kW)

** Note: The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2012 clarifies that permitted development rights apply to buildings on agricultural or forestry land to house microgeneration equipment, and in particular to house hydro-turbines, biomass boilers and anaerobic digestion systems. For more information on the regulations visit our website at: www.wales.gov.uk/planning.

*** Note: The status of the FIT is that applicable at the time of publication.



Source of further information

Welsh Government	www.wales.gov.uk www.walescarbonfootprint/home
Environment Agency Wales	www.environment-agency.gov.uk
Countryside Council for Wales	www.ccw.gov.uk/
Cadw	www.cadw.wales.gov.uk/
Energy Savings Trust	www.est.org.uk Tel: 0800 512 012
Carbon Trust	www.carbontrust.co.uk Tel: 0800 085 2005
Microgeneration Certification Scheme	www.microgenerationcertification.org/
Department for Energy and Climate Change	www.decc.gov.uk/
The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2012	www.legislation.gov.uk www.wales.gov.uk/planning

Publications available in this series

1	Generating Your Own Energy – A Planning Guide for Householders, Communities and Businesses
2A	Wind Energy
2B	Solar Electricity
2C	Solar Water
2D	Hydropower
2E	Biomass
2F	Biomass (Anaerobic Digestion)
2G	Micro-CHP
2H	Heat Pumps
3A	Generating Your Own Energy – Planning Regulations for Microgeneration (Homes)
3B	Generating Your Own Energy – Planning Regulations for Microgeneration (Non-domestic)

These documents can be found on our website at:

www.wales.gov.uk/planning

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