

Review of Permitted Development Rights

CONSULTATION RESPONSE

20 December 2022

Introduction

Sustainable Northern Ireland (SNI) is a charity that works to inspire, influence, and inform action on sustainability and climate change. Through our network, we support and empower public sector collaboration to accelerate action on climate change and deliver a sustainable future for all.

Sustainable Northern Ireland welcomes the opportunity to respond to the Department for the Economy consultation and looking forward to its publication and working with DfE on its delivery.

Summary

In October 2022, the Department for Infrastructure (DfI) published a consultation on changes to planning permitted development rights to protect the environment and help address climate change, seeking views on proposals to revise permitted development rights for the installation of domestic microgeneration equipment such as heat pumps and provide new permitted development rights for reverse vending machines.

Among the key actions is support for the public on the journey to affordable, net zero carbon energy by 2050 through the possibility of adopting microgeneration equipment.

We endorse the proposals suggested in this consultation for the review of permitted development legislation for low-carbon heat installations to ensure it is up to date and fit for purpose in line with the Executive's publication of the Energy Strategy in 2021 and its accompanying Action Plan published in 2022, which contained a commitment for the Department for Infrastructure to proceed with this review.

However, SNI wants to highlight the importance of well-insulated houses; investments in renewable sources of energy to guarantee that no fossil fuels are burnt to produce the electricity needed for the heat pumps to operate; the government must support and finance retrofitting programmes.

We want to suggest a more flexible and integrated electricity system incorporating more renewable energy sources, foreseeing the possibility of those sources being intermittent occasionally. We want to encourage a broader range of renewable sources to contribute to the energy mix. We also believe that a more decentralised renewable energy approach where local authorities can take control of their energy future and invest in decentralised networks might bring down prices, improve energy security, cut carbon and make communities more prosperous and resilient. Decentralised energy broadly refers to the one generated off the main grid, including micro-renewables, heating and cooling. SNI would like to see more local authorities controlling energy from waste plants, combined heat and power, district heating and cooling, and geothermal, biomass or solar energy. A combined work between national and local schemes, these systems can serve a single building or a whole community, even being built out across entire city regions.

In this response, we support the proposals for development rights suggested by the DfI and also offer inputs for the development of efficient schemes, like the Deposit Return Scheme (DRS), accompanied by sustainable initiatives, including transport and charity support schemes to encourage zero-waste positive attitudes besides the implementation of the recycling rate to meet the 70% target stated in the Climate Change Act (NI) 2022.

Response

Summary of Consultation Questions

Q1. Do you agree with the above proposals in relation to air source heat pumps?

Yes. SNI agrees with the proposals for air source heat pumps (ASHP), particularly with point 2.9 stating that the ASHP must comply with MCS Planning Standards or equivalent standards. SNI strongly supports compliance with MCS Standards being their exhaustive and excellent [guidance](#), provided to guarantee end-users informed choice on heat pumps, fully endorsed by the Energy Saving Trust, the Heat Pump Association (HPA) and the Renewable Energy Consumer Code (RECC).

We also agree with the proposal that any part of the ASHP should be positioned at least 1 metre from another dwellinghouse since this could facilitate the installation of ASHP systems in urban environments without increasing installation prices due to pipework and insulation. [The Path to Net Zero Energy Action Plan 2022](#) requires the Department for Infrastructure to “Review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.” Consequently, we envisage this action to favour more homeowners and landlords to invest in this technology, supporting the NI target of 56% energy-related emissions reduction by 2030 set in the Energy Strategy and the net zero emission target by 2050.

Q2. Do you have any additional amendments which you believe should be included?

Yes. Class G. Non-permitted development G1 e) The external unit of the air source heat pump would exceed 2 meters in height. The proposal is to increase it to 3 meters. SNI considered the possibility of removing this limitation when the installation is for flats/apartments in buildings higher than 3 meters. Air source heat pumps tend to work better in smaller spaces, such as flats and apartments and when external pipework is reduced to a minimum. Therefore, these should be considered exceptions to be facilitated in the installation process but included in the review.

This links to another point of not-permitted development a) it would result in the presence within the curtilage of more than one air source heat pump. Blocks of flats might require more than one external unit of ASHP unless a more extensive and communal heat pump system is installed. In [Brighton](#) solutions to that have been investigated, from 1) promoting modern air source heat pumps, which can operate entirely internally, in blocks of flats where outdoor space is limited and, in this way, removing any need for an external fan unit, to 2) communal heat pump systems to replace old heating systems. These options make the installation more economical and advantageous for the residents. Non-permitted development when (f) the air source heat pump would be installed on a roof. In [England and Wales](#), if the roof is flat, the only restriction is for the distance of the unit from the roof edge (within 1 m). Only air source heat pumps installed on a pitched roof would require planning permission. SNI believes this should also be applied in NI; therefore, we advise aligning point f) with the rest of the UK.

Q3. Do you agree with the above proposals in relation to ground or water source heat pumps?

Yes. SNI supports these proposals and advises including the case of blocks of flats where a logical replacement for ageing communal heating systems is a ground source heat pump. The technology extracts latent heat from underground and transfers it for use inside a property. A ground source heat pump is much larger and more powerful than an air source heat pump and can be installed on the land adjacent to a block of flats.

The costs of installing communal ground source heating can be shared amongst residents, who will all benefit from a modern, low-carbon, affordable heating system.

Q4. If you have views on whether permitted development rights for domestic wind turbines should be considered, please provide details.

SNI believes that permitted development rights for domestic wind turbines should be considered on the evidence that approximately [40% of all wind energy in Europe blows over the UK](#). This means that we are ideally located to benefit from domestic wind turbines. Harnessing the power of micro-wind or small-wind turbine systems wind to generate electricity, micro-wind or small-wind turbine

systems in an exposed position can produce more than enough energy to power the lights and electrical appliances in a typical home.

There should be a differentiation between standalone wind turbines, which require planning permission because they must be situated on hilltops to amplify their efficiency away from obstructions and turbulence, and the roof-mounted alternatives, which are also more appropriate for urban areas, despite generating less electricity. We believe this could reinforce community projects with the support of national grant schemes to assist with the cost of a wind power system.

According to [Ofgem](#), the average household uses approximately 3,330kWh of energy each year. A 2.5kW wind turbine in an efficient location, benefitting from the right wind speed, could cover this annual energy requirement.

Wind speed is essential for a domestic wind turbine system to operate efficiently. An estimated speed of six metres per second is necessary for a successful output. Unfortunately, locations that benefit from this wind speed in the UK can be rare.

However, if a property is in a remote, windy area and is free from obstructions, it should be ideal for taking advantage of a turbine system. Hence, we support permitted development in line with England, where building-mounted and standalone wind turbines are differentiated and must fulfil specific criteria. Northern Ireland still has an important rural setting that has increased since the pandemic, with more and more people moving outside urban locations. Facilitating the implementation of generating renewable energy from domestic sources will contribute to building and maintaining rural communities.

Amending the permitted development regulations to facilitate the appropriate expansion of low-carbon and renewable energy options would be consistent with the commitment to maximising opportunities for low-carbon and renewable options stated in the [Green Growth Strategy](#), where the transformation of our economy 'by working proactively with businesses, communities, and all parts of government to maximise funding and investment opportunities for Green Growth and promote innovation, skills, research, and technology' is a priority.

Q5. Do you agree with the introduction of a new permitted development right for reverse vending machines?

SNI strongly supports the permitted development right for reverse vending machines due to the success experienced in other UK [regions](#) and countries implementing Deposit Return Schemes (DRSs) through adopting reverse vending machines. In many cases, DRSs have not only diverted vast amounts of bottles and cans from landfill but also incentivised more sustainable living by combining return vending machines with [sustainable transport, like in Rome](#).

Paragraph 18 of the Climate Change Act of 2022 requires that at least 70% of waste be recycled by 2030. DRSs could play an important role in achieving that 70% recycling target, so reverse vending machines should be facilitated to help achieve that target.

Although strongly in favour of this permitted development right, we would like to point out that a positive behaviour change towards waste reduction and a zero-waste attitude must be the first step and therefore people should be encouraged to buy less, use less and refill their bottles more than regulating their actions on recycling plastic bottles.

With return vending machines, people might only see the opportunity for a small economic return overlooking the risk of increasing the use of single-use plastic bottle consumption and favouring its production instead of reduction. It would be ideal to associate DRSs with other initiatives besides the money-back system to encourage a positive behaviour change. For example, in [Norway](#), supermarkets often install "reverse vending machines" that scan barcodes and give consumers vouchers for their shopping or donate to charity in return for bottles.

Q6. Do you have any amendments or additional restrictions you would propose to the permitted development right?

Yes. SNI would like to see included in this process of amendments of the permitted development right (The Planning (General Permitted Development) Order (Northern Ireland) 2015) also Part 37 'Installation of non-domestic microgeneration equipment'.

Development is non-permitted if (d) any part of the solar PV or solar thermal equipment would be installed on a flat roof and be within 2 metres of the external edge of that roof. For example, it could be changed to 1 metre, like in Wales.

Development is non-permitted if (a) any part of the stand alone solar (i) would exceed 2 metres in height. It could be changed to 4 metres.

When planning permissions are not required for solar PV and stand alone solar, they should still be subject to some conditions, like being sited to minimise its effect on the external appearance of the building; sited to minimise their impact on the amenity of the area; removed as soon as reasonably practicable were no longer needed for micro-generation.

On the planning permission not required for ground source heat pumps in the curtilage of a building some conditions should be specified: on the completion of the development the land must be restored to its condition before the development took place as soon as possible, or to such a condition agreed by the Local Authority; removed as soon as reasonably practicable were no longer needed for micro-generation.

SNI would like to encourage the DfI to invest in the promotion of energy-efficiency behaviour change before any investment in microgeneration equipment. There may be other cheaper and simpler alternatives to reduce fuel bills and carbon footprint by making a building as energy efficient as possible. These are very cost-effective and simple to undertake. We invite the Department for Infrastructure to favour the following steps by a) supporting the effective communication of key energy-saving messages and b) financially supporting retrofitting and building performance improvements.

Step 1 – improve insulation in lofts and walls; reduce energy use by not leaving appliances on standby.

Step 2 – Increase energy efficiency by using more efficient appliances.

Step 3 – Low and zero-carbon energy through microgeneration equipment.