

# Planning & Development Newsletter

## Renewables edition

### Large wind turbines and dwellings: How close?

A Bill has been published, which will impose minimum distance requirements between wind turbines and residential properties. The Bill was initially published in July 2010 and made very little progress until the summer of this year, although a precise date for the grant of Royal Assent is difficult to estimate at this stage.



It provides distance requirements between residential properties and larger wind turbines based on the height of the wind turbine (measured from the ground to the end of the blade tip at its highest point), see table above right.

The Bill also allows a Local Planning Authority to disregard the minimum distance requirements if the owners of all residential premises which fall within the prescribed distance agree in writing to the wind turbine's construction. Obtaining this consent,

Height of turbine	Minimum distance
Under 25 metres	None
25-50 metres	1,000 metres
50-100 metres	1,500 metres
100-150 metres	2,000 metres
Over 150 metres	3,000 metres

especially for areas where consent would be required from a number of properties, is likely to be difficult, as neighbouring property owners who are not keen on the idea are very likely to take the opportunity to stymie the proposals if they can.

### Greater freedom for domestic wind turbines

Currently most domestic turbines require planning permission. However, from 1 December 2011, new 'permitted development rights' (or 'PD Rights') will allow wind turbines complying with a prescribed specification to be installed, without the need for planning permission.

The rules differ slightly between wind turbines fitted to a detached dwelling or block of flats and stand alone turbines. A brief summary of the main conditions shows for turbines fitted to a detached dwelling that it must:

- be the only turbine on the same building or within the curtilage;
- not protrude more than three metres above the highest part of the roof (excluding the chimney), nor exceed more than 15 metres in height;
- be greater than 5 metres from the ground, and must not be located within 5 metres of any boundary of the property;
- not exceed 3.8 square metres in terms of swept area of any blade;
- not be installed on any listed building, ancient monument, or, in certain circumstances, within a conservation area;

For stand alone wind turbines the main conditions are generally the same as for attached turbines except that:

- the highest part of the stand alone wind turbine can not exceed 11.1 metres in height; and
- any part of the stand alone wind turbine (including blades) must not be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand alone wind turbine plus 10 % of its height when measured from any point along the boundary of the property.

PD Rights for the installation of attached wind turbines only applies to detached dwellings. However, stand alone wind turbines can be located in any type of dwelling provided the curtilage is large enough to comply with the above noted criteria.

Please contact us if you are thinking of installing a domestic wind turbine to get full details of the rules which apply.



#### Also in this issue

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- National Policy Statements for energy infrastructure

# Solar panels and planning

Given the importance to the UK economy given to renewable energy last April the Government announced a generous domestic version of 'Feed in Tarrifs' for domestic photovoltaic systems installed before 31 March 2012. This pays the householder for generating electricity on his roof or in his garden. Not surprisingly there has been a rapid growth in the number of installers of domestic photovoltaic systems. With this growth misunderstandings between Local Planning Authorities and home owners have mushroomed regarding the ability to install a PV system without the need for planning permission. So, the Energy and Climate Change Minister Greg Barker has issued some new guidelines. Actually these are not new but their re-statement is welcome.

We confirm that planning permission is not generally required for the installation, of solar panels on a house, or a building situated within the curtilage of a house, such as a garage, but there are however some limitations to these 'Permitted Development Rights' (PD Rights) which, if they applied, would result in planning permission being required. For example planning permission is needed:

1. If the solar panel or equipment will be installed higher than the ridgeline or protrude more than 200 millimetres beyond the plane of the wall or the roof slope; or

2. If the building is located within a conservation area or a World Heritage Site and the solar panel or equipment will be installed on a wall of a building that is visible from the highway; or
3. If the building is Listed

The requirement to obtain building regulation approval will still apply as normal, especially in relation to the ability of the roof to carry the weight of the panels.

The installation of a stand-alone solar panel system within the curtilage of a house is also generally permitted by PD Rights.



However, again there are some limitations. Planning permission must be obtained if it:

1. Would result in more than one stand-alone PV installation;
2. Exceeds four metres in height above ground level or exceeds 9 square metres in size;
3. In the case of land within a conservation area or which is a World Heritage Site, is within any part of the curtilage of the house and would be visible from the highway;
4. Is within five metres of the boundary of the curtilage;
5. Is within the curtilage of a listed building.

Please contact us if you would like more detailed advice on the PD Rights which apply to Solar Panel systems.

## Information

If you have any queries on any issues raised in this Newsletter, or any planning or development matters in general please contact: Mark Dixon on 01482 337286

This newsletter is for the use of clients and will be supplied to others on request. It is for general guidance only. It provides useful information in a concise form. Action should not be taken without obtaining specific advice. We hope you have found this newsletter useful. If, however, you do not wish to receive further mailings from us, please write to Mrs. Pat Coyle, Rollits, Wilberforce Court, High Street, Hull HU1 1YJ.

The law is stated as at 13 September 2011.

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## National Policy Statements for energy infrastructure

After over 20 months of consultation, in July 2011 the government finally published the promised Energy National Policy Statements ("NPSs"). The NPSs provide specific policies for the various categories of energy development including nuclear, fossil fuels and renewable energy.



The Statements provide policies for only those developments that are considered "Nationally Significant". In terms of renewable energy for example this means projects of greater than 50 megawatts ("MW") for energy from biomass, waste and onshore wind farms, and greater than 100MW for offshore wind farms.

The overall intent of the NPSs is to provide a streamlined system of obtaining development consent for large scale infrastructure projects, with all of the

planning policy and requirements established in one document creating a blueprint for acceptable development.

In relation to the Renewable Energy Infrastructure NPS, each type of renewable energy development is taken individually and the various planning considerations that affect only that particular form of development are examined.

The last Government's independent body set up to consider and determine these Nationally Significant applications was known as the Infrastructure Planning Commission ("the IPC"). The coalition has already re-structured this with the IPC replaced by the Major Infrastructure Planning Unit (the "MIPU") which will be a department of the Planning Inspectorate. The MIPU will examine the application and provide a recommendation to the Secretary of State, which in the case of renewable energy, will by the Secretary of State for Energy and Climate Change, who will have the ultimate decision.