

# Permitted Development Rights: Non-Domestic Solar Panels and Domestic Air Source Heat Pumps

## Analysis of Consultation Responses

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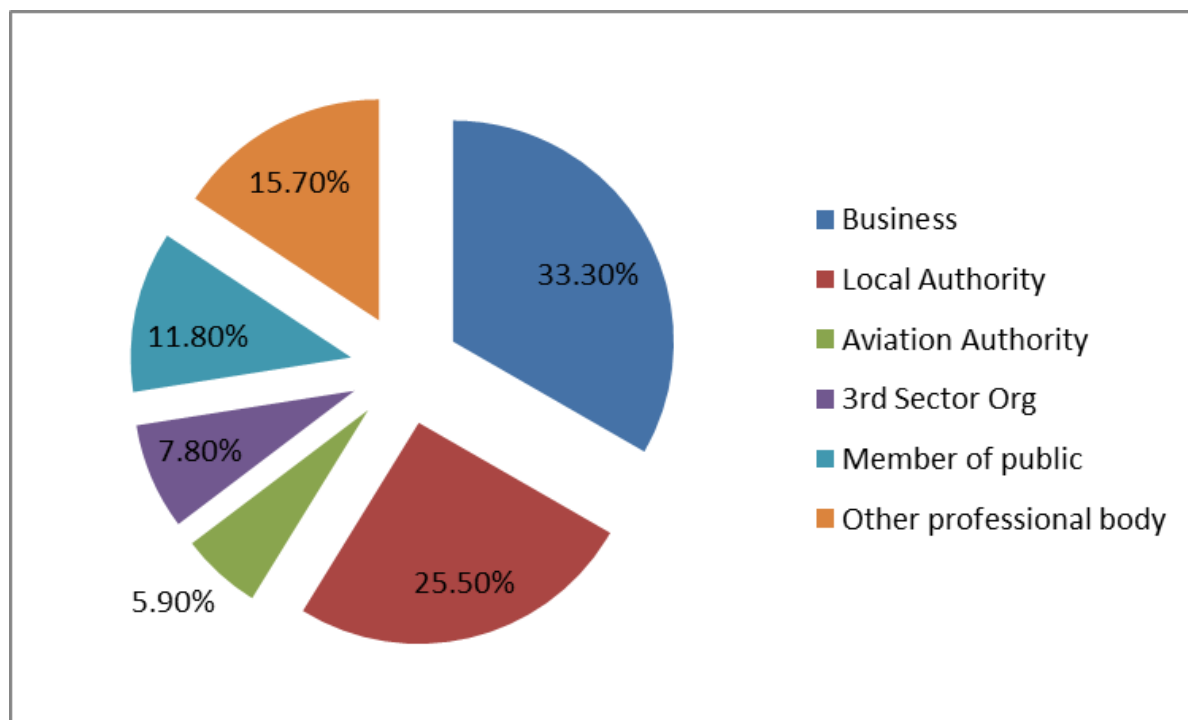
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## Who Responded?

1. There were 52 respondents to the consultation, primarily business operators and local authorities but also other professional bodies (including RIAS<sup>1</sup>, Cifa<sup>2</sup>, SEPA<sup>3</sup> and Energy Saving Trust), aviation authorities, third sector organisations and members of the public.



**Figure 1 – category of respondents % – (please note % figures have been rounded up)**

2. One of the responses was discarded as inadmissible as it did not relate to the consultation. A series of face to face, telephone and written business interviews were also carried out in order to inform the Business and Regulatory Impact Assessment (BRIA). The scale of responses reflects the focus nature of the proposals and does not include the conversations held at impact assessments, workshop and webinar on the proposals.
3. A late response was received from the Civil Aviation Authority. Whilst that does not form part of the figures set out here the issues raised within the response are considered.

<sup>1</sup> Royal Incorporation of Architects in Scotland

<sup>2</sup> Chartered Institute for Archaeologists

<sup>3</sup> Scottish Environment Protection Agency

## Overview of support and objection

4. A review of the submissions from the 51 respondents has identified just over 300 individual substantive comments to the consultation questions.

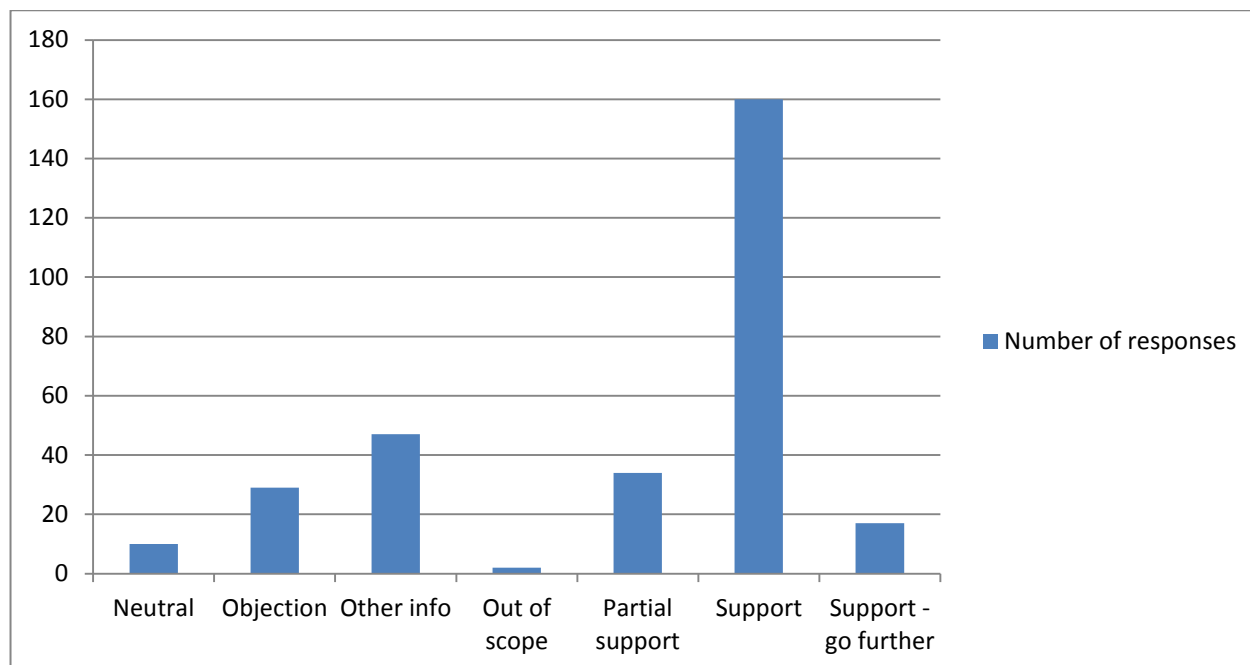


Figure 2 – Number of responses broken down by type of response

5. Figure 1 demonstrates a large majority of the comments (53%) were supportive of the proposed changes. A number of partial support responses (12%) and others supporting, but seeking the permitted development rights to go further (6%), also add to the large number in support of the changes. Ten or 3.3% of the comments were neutral.
6. Other information submitted included responses to the questions on the impact assessments providing quantifiable information to support these reports.
7. There were 29 comments objecting to proposed changes representing 9.6% of total responses. Many of the objections related to noise and visual impact issues for air source heat pumps. Glasgow and Prestwick airports as well as the Civil Aviation Authority all objected to the proposed changes to solar permitted development rights on the grounds of aviation safety.

## Overview of the consultation questions respondents commented on

8. The vast majority of responses related to questions 1-4 of the consultation which asked whether respondents agreed with the proposals and then sought further information to explore that stance. There were around 40 responses to the questions related to the published impact assessments.

## Overview of responses

9. Most respondents were supportive of the proposals. In particular support was expressed for the positive impact on business and on climate change and carbon reduction targets. Equality impacts were considered positive especially in addressing fuel poverty. Most comments related to air source heat pumps. The key issues focussed on noise and visual impacts, and on extension to the permitted development rights proposed. It is considered that all of these issues are addressed or can be positively addressed through proposed amendments.

## Key Issues Raised

10. It should be noted that a number of comments received were outwith the scope of the consultation i.e. extending to issues that it was not the intention of the consultation to address. The consultation analysis has not addressed these issues other than to state that they are out of scope. In addition however some points were noted for future consideration if permitted development rights were to be extended in the future, or to be considered if relevant as part of a future review of the permitted development rights.
11. The following provides a summary of the key issues and the Scottish Government response to these.

## Non domestic solar panels

12. Issue 1 - Historic assets appearing on Sites and Monuments Records (SMRs) or Historic Environment Records (HERs) may still not receive due consideration in the planning process. The proposals also fail fully to address the need to safeguard the setting of historic assets
13. Issue 2 - On walls allow solar panels to be flush with the edge, or in the case of arrays on two faces that they could abut each other on a corner, rather than 200mm away.
14. Issue 3 - Clarify that the permitted development rights apply to residential institutions e.g. care homes.
15. Issue 4 – There are glint and glare and radar interruption implications of solar panels next to airports. Objection to the proposal to introduce permitted development within 3 kilometres of the perimeter of an aerodrome or technical site.
16. Issue 5 – Allow for a greater protrusion from a pitched roof than the proposed 200mm.

## **Domestic air source heat pumps**

17. Issue 6 – Allow for Installation of air source heat pumps beyond the proposed one metre distance (bubble) from a building.
18. Issue 7 – Objection to restriction of air source heat pumps to ground floor level on blocks of flats.
19. Issue 8 – Objection to proposed restriction to just one air source heat pumps on a block of flats and larger buildings
20. Issue 9 - Concern over the cumulative impact of noise from these units
21. Issue 10 – Objection to the use of impact on amenity to limit permitted development rights. There is ambiguity around meaning of amenity.
22. Issue 11 – Concern that historic assets appearing on Sites and Monuments Records (SMRs) or Historic Environment Records (HERs) may still not receive due consideration in the planning process. The proposals also fail fully to address the need to safeguard the setting of historic assets
23. Issue 12 – Concern that proposals allow for air source heat pumps to the front of dwelling houses and potential visual impact.
24. Issue 13 – Concern with proposed removal of 100m separation distance, primarily in relation to concerns over noise impact of air source heat pumps.
25. Issue 14 - If the equipment is visible from/fronfs a road then the proposal should not be permitted development. This applies particularly, but not exclusively, within a Conservation Area or National Park.
26. Issue – Allow air source heat pumps to be mounted on flat roofs.

## **Overview of matters raised for the Impact Assessments**

27. The Business and Regulatory Impact Assessment appears generally sound. There are unlikely to be significant additional costs of the proposals to small business. Allowing permitted development rights for solar panelling removes the requirements for application and associated planning application fee; in line with the impact assessments. Furthermore, small business may benefit from the installation of solar panels in terms of overall energy costs.
28. On Equalities Impact Assessment and Child Rights and Wellbeing Impact Assessment comments were supportive, particularly in relation to the positive impact the proposals can have on fuel poverty. It was agreed that the proposals were unlikely to have a negative impact on equality groups and that for some groups, e.g. sex or ethnicity, group type was not relevant to the proposals. Noise was raised as a potential issue. For solar panels, the proposals will make it easier for their installation on residential institutions.