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Renewable Energy: Planning

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This paper compares planning regimes in the UK and the Republic of Ireland with a focus on renewable energy development

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Executive Summary

The following paper compares planning regimes, as they relate to renewable energy development, in the UK and the Republic of Ireland. The paper addresses onshore development only.

Timescales

Data provided by the Department of the Environment Northern Ireland (DOENI) shows that the average time taken to grant approval for renewable projects (DOENI data refers to all projects irrespective of the technology developed) between 2006 and 2010 was 155 working days, approximately 6 months. Average yearly approval times were as follows:

- 2006 – 145 working days, approximately 7 months;
- 2007 – 124 working days, approximately 6 months;
- 2008 – 108 working days, approximately 5 months;
- 2009 – 156 working days, approximately 7.5 months; and
- 2010 (so far) – 131 working days, approximately 6 months.

In November 2010, Renewable UK published a comparative study which examined decision times (both approvals and refusals) for onshore wind. **Please note, the Renewable UK report only include projects with a generation capacity of over 100kw. The figures provided by DOENI (above) include much smaller-scale generation projects. This accounts for the large differences in time-scales.** A comparison of the two sets of data based on project capacity has not been possible as the figures provided by DOENI do not include capacity in all cases.

The Renewable UK study yielded the following results;

The UK average decision time during 2010 was 22.5 months, an increase on 2009 (20 months);

- At local authority level, the average decision time was 15 months (2009, 16 months);
- In Northern Ireland, decision times have almost halved during 2010 (to date). The average decision time during 2009 was 41 months. This has fallen to 24 months in 2010;
- In England, project times have dropped for the fourth year in the row – decision times now take 9 months on average;
- In Wales decision times have increased significantly – from 8.5 months in 2009 to 21.5 months in 2010 so far; and
- Scottish approval times have also witnessed a year-on-year increase – from 16 months in 2009 to 18 months in 2010.

No such comparable data for the Republic of Ireland is recorded centrally. However, the statutory rules governing planning place timelines on the process. Local planning authorities have eight weeks, upon receipt of an application, to reach a decision. This is extended by four weeks should further information be required. Applicants have six weeks to submit any further information.

Where a decision has not been provided within this eight or twelve week period, the planning authority is obliged to grant default permission to the project. The latest amendment to the regulations (The Planning and Development (Amendment) Act 2010), includes provisions in relation to default planning permission which gives local authorities a further 12 weeks to remedy any failure to make a decision. Default planning permission does not apply in cases where an Environmental Impact Assessment is required.

Planning Fees

Northern Ireland

Planning fees are set out in the the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2010. Within the regulations, category 5 outlines specific fees for wind turbines. Fees are charged on a per hectare basis, with a cap on the maximum fee payable. The cost of planning for wind turbines and wind farms is £237 for each 0.1 hectare. The maximum price payable is £11,834. The inclusion of a specific category for wind energy is unique to Northern Ireland.

A consultation on proposals to provide permitted development rights to small-scale solar, wind, hydro, biomass, combined heat and power, and heat pump generation, in a domestic and non-domestic setting closed on 22 January. No further update on progress could be located at the time of writing.

England

Fees are outlined in the in the Town and Country Planning (Fees for Application and Deemed Applications) (Amendment) (England) Regulations 2008.

Domestic developments are charged under category 6 or category 7a. The details are as follows:

- Category 6: refers to the enlargement, improvement or other alteration of existing dwelling houses- the cost is £150 for a single dwelling and £295 for two or more dwellings.
- Category 7a: refers to the carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house – the cost £150.

All non-domestic development is generally charged under category 5 - *the erection, alteration or replacement of plant or machinery*. The planning fees under this category are £335 for each 0.1 hectare up to 5 hectares, and over 5 hectares the cost is £16,565 plus an additional £100 for each 0.1 hectare up to a maximum of £250,000.

In April 2008 permitted development rights were granted to small-scale solar panels, heat pumps, combined heat and power equipment and biomass systems.

In November 2009 a consultation on proposals to grant permitted development rights to wind turbines and air pumps in a domestic setting. The consultation also included proposals to extend permitted rights to wind, solar, air, ground and water pumps, biomass and combined heat and power equipment in a non-domestic setting. As of September 2010 the Government were considering a number of technical and practical issues, but stated that they were *'aiming to resolve these (issues) and to make key announcements and legislative changes as soon as possible'*.

Scotland

Scottish planning fees are outlined in the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010.

Domestic developments are, as is the case in England, charged under Category 6 or category 7a. However, the specific, fees are different. The details are as follows:

- Category 6: refers to the enlargement, improvement or other alteration of existing dwelling houses- the cost is £160 for a single dwelling and £309 for two or more dwellings.
- Category 7a: refers to the carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house – the cost £160.

Non-domestic development is covered by Category 5. The fees payable are £319 for each 0.1 hectare of the site area, subject to a maximum of £15,950.

In Scotland, the following types of renewable energy development fall into the permitted development rights category in a domestic context

- Wind;
- Air-source heat pumps;
- Solar PV;
- Free-standing solar;
- Equipment relating to biomass;
- Ground source heat pumps; and
- Equipment relating to combined heat and power

The Scottish Government '*are committed to bringing forward the permitted development rights (in a non-domestic context) by April 2011*'.

Wales

In Wales, planning fees are set out in the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) 2009.

Domestic development falls under (again these categories replicate the corresponding regulations in England):

- Category 6, the cost is £166 for a single dwelling and £330 for two or more dwellings; and
- Category 7a, the cost is £166.

Non-domestic development falls under Category 5, the '*erection, alteration or replacement of plant or machinery*'. Fees payable under this category are £335 per 0.1 hectare up to 5 hectares and £16,464 for developments over 5 hectares, with an additional £84 per hectare up to a maximum of £250,000.

In 2009, changes to planning legislation in Wales granted permitted rights to the following technologies in a domestic context :

- Solar electricity (photovoltaic) and solar water (thermal) panels
- Free standing photovoltaic and solar thermal panels
- Heat pumps
- Flues for biomass heating or combined heat and power systems.

Republic of Ireland

It has not been possible to clarify under what section of the Republic of Ireland planning regulations renewable development projects are charged under. Correspondence with local authorities in the Republic of Ireland has led to the conclusion that application charges are decided on a case-by-case basis

In the Republic of Ireland permitted generation rights apply in domestic, agricultural and business and commercial setting, in the case of the following technology types;

- wind turbines;
- solar PV and solar thermal;
- combined heat and power; and
- biomass.

The Republic of Ireland is, to date, the only region to complete the extension of permitted development rights to a non-domestic context.

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1 Introduction

The following paper compares planning regimes, as they relate to renewable energy development, in the UK and the Republic of Ireland.

Specifically, the paper compares the time taken to reach a decision on planning and the fees charged in each jurisdiction. Details of permitted developments (types of development that do not require planning permission) are also included for each region.

The paper considers onshore development only.

2 Planning Timescales

2.1 UK

Data provided by the Department of the Environment Northern Ireland outlines the time taken to process approved renewable planning applications between 2006 and 2010. Over this period, the average time taken to approve renewable development projects in Northern Ireland was 155 working days, approximately 6 months (based upon 21 working days per month on average). Looking at individual years, the approval decision times were as follows:

- 2006 – 145 working days, approximately 7 months (a total of 82 approvals, 79% wind and 21% solar);
- 2007 – 124 working days, approximately 6 months (a total of 177 approvals, 78% wind and 17% solar, with a small number of hydro-electric, anaerobic digestion, and biomass);
- 2008 – 108 working days, approximately 5 months (a total of 314 approvals, 70% wind and 14% solar, with a small number of hydro-electric, anaerobic digestion, and biomass);
- 2009 – 156 working days, approximately 7.5 months (a total of 116 approvals, 84% wind and 12% solar, with a small number of hydro-electric, anaerobic digestion, and biomass); and
- 2010 (so far) – 131 working days, approximately 6 months (a total of 73 approvals, 86% wind, 6% solar, 8% hydro-electric, and 1% anaerobic digestion).ⁱ

The most recent comparative analysis of the planning process in the UK is the 'State of the Industry Report' (November 2010), compiled by Renewable UK. The report focuses on onshore wind development, providing planning decision timescales (including approvals and denials) for all four UK regions, as well as year on year trends. The data used to construct the report has been gathered from industry and covers the twelve months leading up to October 2010.

Please note, the **Renewable UK report only include projects with a generation capacity of over 100kw. The figures provided by DOENI (above) include much smaller-scale generation projects. This accounts for the large differences in time-scales.** A comparison of the two sets of data based on project capacity has not been possible as the figures provided by DOENI do not include capacity in all cases.

With regard to overall decision times, the UK average during 2010 was 22.5 months, an increase on 2009 (20 months). Between 2007 and 2009 decision times had decreased.ⁱⁱ

There has, however, been an increase in the speed at which decisions are made at local authority level. The 16 month average timescale reported at the end of 2009 fell to 15 months in 2010.ⁱⁱⁱ

The key findings of the report's regional analysis are:

- In Northern Ireland, decision times have almost halved during 2010 (to date). The average decision time during 2009 was 41 months. This has fallen to 24 months in 2010;
- In England, project times have dropped for the fourth year in the row – decision times now take 9 months on average;
- In Wales decision times have increased significantly – from 8.5 months in 2009 to 21.5 months in 2010 so far; and
- Scottish approval times have also witnessed a year-on-year increase – from 16 months in 2009 to 18 months in 2010.^{iv}

The report also provides an analysis of (non-appeal) approval rates for each region. The main results of which are as follows:

- The Northern Ireland Planning Service approved 29MW of a possible 80MW over the previous 12 months. In the previous year the Service approved 85MW of a possible 101MW. The Service's approval rate, in UK Renewable's analysis, has fallen from 84% in 2009 to 47% in 2010.
- In England, approval rate, measured by capacity, fell by 21% to 34% over the 12 months leading up to October 2010. In the same period, the actual amount of capacity approved increased on the previous year. This was, however, *'dwarfed by the volume of capacity that has been refused'*.
- In Scotland the approval rate fell from 76% during the 12 months leading up to October 2009, to 56% in the 12 months leading up to October 2010.
- Out of the four regions, Wales is the only jurisdiction not to witness a fall in approval rate. The region has maintained a 100% approval rate in 2009 and 2010.^v

In all four regions a significant amount of wind energy capacity is in the planning process. The levels for each region are as follows:

- **UK** – 263 wind projects, representing 7333MW of capacity are in the planning process (of these, 22 projects with a total capacity of 438MW are at appeal);
- **Northern Ireland** – 48 wind projects, representing 872MW of capacity are in the planning process (of these, 1 project with a capacity of 9MW is at appeal);
- **England** – 79 wind projects, representing 1007MW of capacity are in the planning process (of these, 12 projects with a total capacity of 147MW are at appeal);
- **Scotland** – 111 wind projects, representing 4076MW of capacity are in the planning process (of these, 7 projects with a total capacity of 240MW are at appeal); and
- **Wales** – 25 wind projects, representing 1369MW of capacity are in the planning process (of these 2 projects with a total capacity of 42MW are at appeal).^{vi}

2.2 Republic of Ireland

No such comparable data for the Republic of Ireland is recorded centrally. However, the statutory rules governing planning place timelines on the process. The planning process in the Republic of Ireland (as designated in the consolidated Planning and Development acts 2000 – 2007) is as follows:

- An applicant must publish their intention to make application two-weeks prior to the lodgement of an application;
- The planning authority is prohibited from making a decision on an application before five weeks has expired from the receipt of the application;
- The planning authority must give a decision within a period of eight weeks beginning on the date of receipt of the application. Where it requires the applicant to supply further information, the period of decision making will then be extended by a further four weeks^{vii}; and
- The applicant must reply to each point of the request for ‘Further Information’ fully, within six months of the request being made. The planning regulations allow the planning authority to agree a three month extension to this six month limit.^{viii}

Where a decision has not been provided within this eight or 12 week period, the planning authority is obliged to grant default permission to the project. The latest amendment to the regulations (The Planning and Development (Amendment) Act 2010), includes provision in relation to default planning permission which gives local authorities a further 12 weeks to remedy any failure to make a decision. Default planning permission does not apply in cases where an Environmental Impact Assessment is required.^{ix}

With regard to appeals:

- Any appeal to An Bord Pleanála must be made within four weeks beginning on the date of the decision of the planning authority and there is no extension of the appeal period; and

- An Bord Pleanála's has a statutory objective to try to determine all appeals within a period of eighteen weeks from the date it receives the appeal.^x

3 Planning Fees

3.1 Northern Ireland

The cost of securing planning permission in Northern Ireland is set out in the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2010. Schedule 1, Part 2 of the Regulations outline fees payable for a number of development types. Category 5 sets out the planning fees for:

The erection, alteration or replacement of plant and machinery including telecommunications/data communications equipment, and single wind turbine and wind farms.^{xi}

Fees are charged on a per hectare basis, with a cap on the maximum fee payable. The cost of planning for wind turbines and wind farms is £237 for each 0.1 hectare. The maximum price payable is £11,834.^{xii} This category is unique to Northern Ireland.

Communication with the Department has indicated that the wording of this category, particularly the use of *'including'*, suggests the category does not represent an exhaustive list. As such, other types of renewable development are likely to be included within this fee band.^{xiii}

With regard to the appeals process, NI Direct advice states:

All appeals, under the Planning (Northern Ireland) Order 1991 must be accompanied by a fee - currently £126.^{xiv}

The advice continues:

The appeals process itself is free, however, you and the local planning authority normally have to pay your own expenses whether it is decided by the written procedure, a hearing or an inquiry. The overall cost will depend on whether you employ professional advisers or representatives.

Sometimes, when there is a hearing or an inquiry, one party may be required to pay the other party's costs, as well as their own. The inspector will only do this if the person applying can show that the other side behaved unreasonably, and put them to unnecessary expense.^{xv}

Permitted Development

Following a period of consultation in 2007, DOENI issue a Draft Statutory Rule on permitted development rights for microgeneration in a domestic setting. The document outlines the context in which certain renewable development may go ahead without

planning permission. The technologies covered are as follows (the proposed qualification criteria are outlined in Annex 1):

- Solar panels;
- Wind turbines;
- Hydro;
- Biomass;
- Combined heat and power; and
- Heat pumps.

Subsequently the Department reopened the consultation in October 2009 to propose further changes to the Draft Statutory Ruling.

The same consultation, '*Permitted development rights for microgeneration development*', sets out further proposals to grant permitted development rights to the same technologies in a non-domestic setting.^{xvi}

The consultation ended on the 22 January 2010^{xvii}, no further update on progress is available.

3.2 England

In England, planning fees are outlined in the Town and Country Planning (Fees for Application and Deemed Applications) (Amendment) (England) Regulations 2008.

According to Communities and Local Government^{xviii}, three categories generally apply to renewable energy developments.

Domestic developments are charge under category 6 or category 7a. The details are as follows:

- Category 6: refers to the enlargement, improvement or other alteration of existing dwelling houses- the cost is £150 for a single dwelling and £295 for two or more dwellings.
- Category 7a: refers to the carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house – the cost £150.^{xix}

Non-domestic development is generally charged under category 5 - *the erection, alteration or replacement of plant or machinery*. The planning fees under this category are £335 for each 0.1 hectare up to 5 hectares, over 5 hectares the cost is £16,565 plus an additional £100 for each 0.1 hectare up to a maximum of £250,000.^{xx}

In certain circumstances, when none of the above apply developers may be charged under category 9 – *the carrying out of any operations not coming within any of the*

above categories'. This category has two fee types. In the case of operations for the winning and working of minerals developers are charged £170 for every 0.1 hectare up to 15 hectares. Where the development exceeds 15 hectares the cost is £25,315 plus £100 for every additional hectare. The second category covers any other case. The charges under this sub-category are £170 for every 0.1 hectares up to a maximum of £250,000.^{xxi}

With regard to appeals, advice on the Direct Gov website notes that:

The appeal process itself is free. However, you and the Local Planning Authority will have to pay your own expenses.

If there is a hearing or an inquiry, one party may be asked to pay the other party's costs, as well as their own. The inspector will only do this if the person applying can show that the other side behaved unreasonably, and put them to unnecessary expense.^{xxii}

Permitted Development Rights

In April 2008 new rules on microgeneration brought certain categories of renewable generation into the category of permitted development. These changes enabled homeowners to install solar panels, heat pumps, combined heat and power equipment and biomass systems without the need to secure planning permission; subject to certain conditions (Annex 2 outlines these conditions).^{xxiii}

Significantly, the regulations did not make provision for wind turbines or air source heat pumps. In November 2009 a consultation on proposals to grant permitted development rights to wind turbines and air pumps in a domestic setting was carried out. The consultation also outlined proposals to grant development rights to wind, solar, air, ground and water pumps, biomass and combined heat and power equipment in a non-domestic setting. Further permitted development proposals regarding anaerobic digestion, biomass and hydro-turbines were outlined for agricultural and forestry settings only. Again, these proposals were subject to specific criteria (outlined in Annex 2).^{xxiv}

The consultation process closed on 9 February 2010. In answering a House of Commons question regarding the future of the proposals on 09 September 2010 the Minister for Communities and Local Government stated:

*The Government are committed to amending the Town and County Planning (General Permitted Development) Order 1995 to introduce permitted development rights for small-scale wind turbines and air source heat pumps, as part of our agenda to support renewable energy and low carbon technologies. **There are a number of technical and practical issues that we are considering. We are aiming to resolve these, and to***

make key announcements and legislative changes as soon as possible.^{xxv} (Emphasis added).

At the time of writing no further announcements have been made.

3.3 Scotland

Scottish planning fees are outlined in the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010.^{xxvi} As is the case with the corresponding regulations in England, renewable energy could potentially fall under one of a number of categories.

Domestic developments are, as is the case in England, charged under Category 6 or category 7a. The specific fees are however different. The details are as follows:

- Category 6: refers to the enlargement, improvement or other alteration of existing dwelling houses- the cost is £160 for a single dwelling and £309 for two or more dwellings.^{xxvii}
- Category 7a: refers to the carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house – the cost £160.^{xxviii}
- Non-domestic development is covered by Category 5. The fees payable are £319 for each 0.1 hectare of the site area, subject to a maximum of £15,950.

Category 10 also acts as a catch-all for developments not fitting into the above. The fees payable are as follows:

- In the case of the winning and working of minerals, £160 for each 0.1 hectare of the site area, subject to a maximum of £23,925;
- In the case of the winning and working of peat, £160 for each hectare of the site area, subject to a maximum of £2,393;
- In the case of any other purpose, £160 for each 0.1 hectare of the site area, subject to a maximum of £1,595.^{xxix}

Advice on the Scottish Government website, with regard to appeals states there is no fee for most types of appeal. It is also possible for an individual to become liable for a planning authority's expenses should it be proven the individual has acted '*unreasonably*'.^{xxx}

Permitted Development Rights

In Scotland, the following types of renewable energy development fall into the permitted development rights category in a domestic context (full details of qualifying criteria are outlined in Annex 3):

- Wind;
- Air-source heat pumps;^{xxxii}
- Solar PV;
- Free-standing solar;
- Equipment relating to biomass;
- Ground source heat pumps; and
- Equipment relating to combined heat and power.^{xxxii}

A consultation on proposals to extend these to non-domestic properties was launched on the 15 July 2010; the closing date for responses was 8 October 2010. The Scottish Government have stated that they *'are committed to bringing forward the permitted development rights by April 2011'*.^{xxxiii}

3.4 Wales

In Wales, planning fees are set out in the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) 2009. Again, as is the case with the above regions, renewable energy may potentially fall under a number of development categories.

Domestic development falls under:

- Category 6, which refers to the enlargement, improvement or other alteration of existing dwelling houses- the cost is £166 for a single dwelling and £330 for two or more dwellings; and
- Category 7a, which refers to the carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling house – the cost £166.^{xxxiv}
- Non-domestic development falls under Category 5, the *'erection, alteration or replacement of plant or machinery'*. Fees payable under this category are £335 per 0.1 hectare up to 5 hectares, and £16,464 for developments over 5 hectares, with an additional £84 per hectare up to a maximum of £250,000.

Category 9 again acts a catch all for development not fitting into these areas. The fees payable are:

- in a case where the site area does not exceed 15 hectares, £166 for each 0.1 hectare of the site area;
- in a case where the site area exceeds 15 hectares, £24,852 and an additional £84 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000; and

- in any other case, £166 for each 0.1 hectare of the site area, subject to a maximum of £250,000.

Permitted development rights

In 2009, changes to planning legislation in Wales granted permitted rights to certain types of domestic renewable microgeneration. Current permitted rights for domestic properties define microgeneration as:

- Technologies which generate electricity with a capacity of up to 50kW; and
- Technologies which generate heat, with a capacity of up to 45kW (thermal).

The following technologies have been granted permitted rights for domestic use:

- Solar electricity (photovoltaic) and solar water (thermal) panels
- Free standing photovoltaic and solar thermal panels
- Heat pumps
- Flues for biomass heating or combined heat and power systems.^{xxxv}

Within each of these categories, developments must meet certain criteria. A full list of such criteria is contained in Annex 4.

3.5 Republic of Ireland

It has not been possible to clarify under what section of the Republic of Ireland planning regulations renewable development projects are charged under. Correspondence with local authorities in the Republic of Ireland has led to the conclusion that application charges are decided on a case-by-case basis.^{xxxvi} A complete list of potential charges (as outlined in the Planning and Development Regulations 2001) is outlined in Annex 6.

Permitted generation rights

In the Republic of Ireland permitted generation rights apply in domestic, agricultural and business and commercial setting, in the case of the following technology types;

- wind turbines;
- solar PV and solar thermal;
- combined heat and power; and
- biomass .

In each case specific criteria must be met to qualify for permitted development status. These criteria are outlined in Annex 5. The Republic of Ireland is, to date, the only region to complete the extension of permitted development rights to a non-domestic context.

Annex 1: Northern Ireland Permitted Development

The Planning (General Development) (Amendment) Order (Northern Ireland)

(Extracts)

Installation of Domestic Microgeneration Equipment

Class A

Permitted A. The installation, alteration or development replacement of solar PV or solar thermal equipment on the roof of—

- (a) a dwellinghouse; or
- (b) any building within the curtilage of a dwellinghouse.

A.1 Development is not permitted by Class A if—

- (a) any part of the solar PV or solar thermal equipment extends more than 20 centimetres beyond the plane of any existing roof slope which faces onto and is visible from any road;
- (b) any part of the solar PV or solar thermal equipment exceeds—
 - (i) the height of the highest part of any existing ridged roof; or
 - (ii) 1.5 metres above the plane of any flat roof;
- (c) in the case of solar PV or solar thermal equipment installed in a designated area—
 - (i) the roof slope to which they are fitted faces onto and is visible from any road; or
 - (ii) any part of the solar PV or solar thermal equipment fitted to a flat roof is visible from any road;
- (d) any part of the solar PV or solar thermal equipment extends beyond the edge of the existing roof; or
- (e) the solar PV or solar thermal equipment would be installed within the curtilage of a dwellinghouse which is a listed building unless Listed Building Consent for the development has previously been granted.

Class B

Permitted B. The installation, alteration or development replacement of solar PV or solar thermal equipment on—

- (a) the wall of a dwellinghouse;
- (b) the wall of any building within the curtilage of a dwellinghouse; or
- (c) any wall within the curtilage of a dwellinghouse.

Development not B.1 Development is not permitted by Class B permitted if—

- (a) any part of the solar PV or solar thermal equipment installed within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeding 4 metres in height extends more than 20 centimetres beyond the plane of the wall;
- (b) any part of the solar PV or solar thermal equipment installed extends beyond the boundary of the wall;
- (c) for Class B(a) or (b) development, any part of the solar PV or solar thermal equipment installed on the wall of a chimney exceeds the height of the highest part of the roof;
- (d) in the case of solar PV or solar thermal equipment installed on a wall within a designated area the wall faces onto and is visible from any road; or
- (e) the solar PV or solar thermal equipment would be installed within the curtilage of a dwellinghouse which is a listed building unless Listed Building Consent for the development as previously been granted.

Class C

Permitted C. The installation, alteration or development replacement of stand alone solar within the curtilage of a dwellinghouse.

Development not C.1 Development is not permitted by Class C permitted if—

- (a) it would result in the presence within the curtilage of more than one stand alone solar;
- (b) the area of the stand alone solar exceeds 14 square metres;

- (c) any part of the stand alone solar exceeds 2 metres in height;
- (d) any part of the stand alone solar is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road; or
- (e) the stand alone solar is situated within the curtilage of a listed building unless Listed Building Consent for the development has previously been granted.

Class D

Permitted D. The erection or provision, within the development curtilage of a dwellinghouse, of a container for the storage of solid biomass fuel.

Development not D.1 Development is not permitted by Class D permitted if—

- (a) in the case of the erection or provision of an above ground container—
 - (i) the capacity of the container exceeds 6,500 litres; or
 - (ii) any part of the container is more than 3 metres above ground level;
- (b) any part of the container is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road; or
- (c) it would involve the erection or provision of a below ground container within a site of archaeological interest.

Class E

Permitted E. The installation, alteration or development replacement of a flue, forming part of a biomass heating system, or a combined heat and power system, on a dwellinghouse.

Development not E.1 Development is not permitted by Class E permitted if—

- (a) the height of the flue would exceed the highest part of the roof by more than one metre; or
- (b) in the case of a flue installed within a designated area the flue would be installed on a wall or roof slope facing onto and visible from any road.

Class F

Permitted F. The installation, alteration or development replacement of a ground or water source heat pump within the curtilage of a dwellinghouse.

Development not F.1 Development is not permitted by Class F permitted if—

- (a) any part of the heat pump or its housing is within 3 metres of the boundary of the curtilage of the dwellinghouse and exceeds 4 metres in height;
- (b) any part of the heat pump or its housing is nearer to any road which bounds the curtilage than the part of the dwellinghouse nearest to that road;
- (c) it involves the provision of a ground source heat pump within a site of archaeological interest; or
- (d) in the case of the provision of any heat pump within the curtilage of a listed building that heat pump or its housing above ground exceeds 10 cubic metres.

Annex 2: England – Permitted Development

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008

Part 40: Installation of Domestic Microgeneration Equipment

Class A

Permitted development

A. The installation, alteration or replacement of solar PV or solar thermal equipment on—

(a) a dwellinghouse; or

(b) a building situated within the curtilage of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—

(a) the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed—

(i) on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or

(ii) on a wall or roof slope of a building within the curtilage of the dwellinghouse and would be visible from a highway; or

(d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) solar PV or solar thermal equipment installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement of standalone solar within the curtilage of a dwellinghouse.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) it would result in the presence within the curtilage of more than one stand alone solar; or
- (b) any part of the stand alone solar—
 - (i) would exceed four metres in height above ground level;
 - (ii) would, in the case of land within a conservation area or which is a World Heritage Site, be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway;
 - (iii) would be situated within five metres of the boundary of the curtilage;
 - (iv) would be situated within the curtilage of a listed building; or
- (c) the surface area of the solar panels forming part of the stand alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

B.2. Development is permitted by Class B subject to the following conditions—

- (a) stand alone solar shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the height of the flue would exceed the highest part of the roof by one metre or more;

(b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway.

Class F

Permitted development

F. The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Development not permitted.

F.1 Development is not permitted by Class F if—

(a) the height of the flue would exceed the highest part of the roof by one metre or more;

(b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway.

Interpretation of Part 40

G.1 For the purposes of Part 40—

“dwellinghouse” includes a building which consists wholly of flats or which is used for the purposes of a dwellinghouse;

“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004(2);

“solar PV” means solar photovoltaics;

“stand alone solar” means solar PV or solar thermal equipment which is not installed on a building;

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.”

Proposed Amendments to Town and Country Planning (General Permitted Development) Order 1995

Domestic premises:

* Wind turbines and air source heat pumps, subject to certain limitations/conditions, such as a requirement to be installed and certified through the Microgeneration Certification Scheme (to ensure industry standards), a maximum noise level (no more than 45dB), appropriate siting, maximum height/size/number of installations and restrictions relating to sensitive areas (e.g. Conservation Areas, World Heritage Sites). Introducing permitted development rights for these domestic technologies would complete the picture for householders, as permitted development rights for other domestic technologies, such as solar panels, were introduced in April 2008.

On non-domestic premises:

- * Wind turbines and air source heat pumps, with similar limitations/conditions to domestic installations, but generally with greater thresholds as appropriate. A 45dB noise limit is proposed;
- * Solar panels subject to certain limitations/conditions, such as limits on size, siting, height (where freestanding), number of installations;
- * Ground and water source heat pumps subject to limitations / conditions, principally area of piping and (for ground source heat pumps) area of excavation;
- * Flues for biomass systems and combined heat and power systems, subject to limitations / conditions such as capacity of system and flue height;
- * With regard to wind turbines, air source heat pumps and solar panels, we are proposing to be more permissive in terms of granting permitted development rights for Class B2: General Industrial premises, as they already have extensive permitted development rights including for the installation of plant and machinery whose impacts can be greater than those for the technologies we are proposing.

Agricultural and forestry premises:

- * Structures to house anaerobic digestion systems and biomass boilers; and associated fuel stores;
- * Structures to house hydro-turbines (for hydro systems);
- * For these structures, we propose to clarify that these structures should be considered to benefit from the same permitted development rights / prior approval procedures as other agricultural and forestry land, by making this explicit in legislation;

Annex 3: Scotland – Permitted Development

Extracts from The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009

“PART 1A INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class 6A–

(1) The installation, alteration or replacement of solar PV or solar thermal equipment on–

1. (a) a dwellinghouse or a building containing a flat; or
2. (b) a building within the curtilage of a dwellinghouse.

(2) Development is not permitted by this class, in the case of solar PV or solar thermal equipment installed on a wall or pitched roof of a dwellinghouse, if:

3. (a) any part of the solar PV or solar thermal equipment would protrude more than 200mm beyond the external surface of the wall or the plane of the roof; or
4. (b) any part of the solar PV or solar thermal equipment would project higher than the highest point of the roof (excluding any chimney) on which the equipment is fixed.

(3) Development is not permitted by this class, in the case of a building containing a flat, if–

5. (a) the solar PV or solar thermal equipment would be installed on any part of the external walls of the building; or
6. (b) in the case of solar PV or solar thermal equipment installed on a pitched roof, if the solar PV or solar thermal equipment would–
 7. (i) protrude more than 200mm beyond the plane of the roof; or
 8. (ii) project higher than the highest point of the roof (excluding any chimney) on which the equipment is fixed.

(4) Development is not permitted by this class, in the case of solar PV or solar thermal equipment installed on a flat roof of a dwellinghouse or building containing a flat, if the solar PV or solar thermal equipment would–

9. (a) be situated within 1 metre from the edge of the roof; or
 10. (b) protrude more than 1 metre above the plane of the roof.
- (5) Development is not permitted by this class, in the case of land within a conservation area or World Heritage Site, if the solar PV or solar thermal equipment would be installed on a wall or part of a roof which—
11. (a) forms the principal elevation of the dwellinghouse or the building containing the flat; and
 12. (b) is visible from a road.
- (6) Development is permitted by this class, subject to the following conditions—
13. (a) solar PV or solar thermal equipment must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and
 14. (b) solar PV or solar thermal equipment no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

Class 6B

- (1) The installation, alteration or replacement of a free-standing solar within the curtilage of a dwellinghouse.
- (2) Development is not permitted by this class if—
 15. (a) it would result in the presence within the curtilage of a dwellinghouse of more than one free-standing solar;
 16. (b) the surface area of the solar panels forming part of the free-standing solar would exceed 9 square metres;
 17. (c) any part of the free-standing solar would exceed 4 metres in height; or
 18. (d) the distance from the boundary of the curtilage of the dwellinghouse to the free standing solar would be less than the height of the free-standing solar.
- (3) Development is not permitted by this class in the case of land within a conservation area or World Heritage Site, if the free-standing solar would be visible from a road.

- (4) Development is not permitted by this class if the free standing solar would be within the curtilage of a listed building.

Class 6C

- (1) The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.
- (2) Development is not permitted by this class if–
19. (a) the height of the flue would protrude more than one metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
20. (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse or building containing a flat; or
21. (c) the flue would be within an Air Quality Management Area.

Class 6D

The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6E

The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6F

- (1) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.
- (2) Development is not permitted by this class if–
22. (a) the height of the flue would protrude more than 1 metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
23. (b) in the case of land within a conservation area or World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse, or building containing a flat; or

24. (c) in the case of a combined heat and power system fuelled by biomass sources, the flue would be within an Air Quality Management Area.

Extracts from Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(1) is amended in accordance with paragraph (2).

(2) In Part 1A of Schedule 1 (installation of domestic microgeneration equipment)—

“Class 6G

(1) The installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling.

(2) Development is not permitted by this class if—

(a) it would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine; or.

(b) the wind turbine would be situated less than 100 metres from the curtilage of another dwelling..

(3) Development is not permitted by this class in the case of land within—

(a) a conservation area;.

(b) a World Heritage Site;.

(c) a site of special scientific interest; or.

(d) a site of archaeological interest..

(4) Development is not permitted by this class if the wind turbine would be within the curtilage

Class 6H

(1) The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.

(2) Development is not permitted by this class if—

(a) it would result in the presence within the curtilage of a dwelling of more than one air source heat pump; or.

(b) the air source heat pump would be situated less than 100 metres from the curtilage of another dwelling..

(3) Development is not permitted by this class in the case of land within a conservation area if the air source heat pump would be visible from a road.

(4) Development is not permitted by this class if the air source heat pump would be within—

(a) a World Heritage Site; or.

(b) the curtilage of a listed building..

Annex 4: Wales – Permitted Development ^{xxxvii}

- **Solar electricity (photovoltaic) and solar water (thermal) panels:** exempt from planning permission if installed on existing roof or walls of house or outbuilding. The top of the panels should not be more than 200mm from the plane of the roof, or the surface of the wall, or above the highest point of the roof (excluding the chimney).
- **Free standing photovoltaic and solar thermal panels:** exempt from planning permission if within the boundary of house or flat, provided that they are set back from the highway by at least 5m and do not exceed 2m in height anywhere within 5m of the property boundary, or 4m in height elsewhere. Only one stand alone solar array is permitted, the total surface of the panels must not exceed 9m² and the array must not exceed 3m in any dimension.
- **Heat pumps:** both ground and water source heat pumps are exempt if situated anywhere within the boundary of the house or flat.
- **Flues for biomass heating or combined heat and power systems:** exempt as long as they do not project higher than 1m above the highest part of the roof.

Annex 5: Republic of Ireland – Permitted development

The following technologies are exempt from planning in the Republic of Ireland, subject to certain conditions:

- **Wind turbines in a domestic setting:** households are permitted to install one turbine per house so long as the turbine is not attached to the building or sited in front of the house. The total height of the installation should not exceed 13m, rotor diameter should not exceed 6m, and there should be at least 3m distance between the ground and the lowest point of the blade. Noise levels must not exceed 43 decibels (db), or 5db above background noise levels. No advertising should be placed on the turbine and the installation should not interfere with telecoms signals.
- **Wind turbines in an agricultural setting:** one turbine per site is permitted and must not be attached to a building. Total height should not exceed 20m, rotor diameter should not exceed 8m and there must be at least 3m distance between the ground and the lowest point of the blade. The turbine should not be within 100m of an existing turbine. Noise levels must not exceed 43db in nearest inhabited area. No advertising should be placed on the turbine and the installation should not interfere with telecoms signals. Consent from the Irish Aviation Authority is required should the turbine is to be sited within 5km of an airport.
- **Wind turbines in an industrial or business setting:** one turbine per site is permitted and must not be attached to a building. Total height should not exceed 20m, rotor diameter should not exceed 8m and there must be at least 3m distance between the ground and the lowest point of the blade. The turbine should not be within 100m of an existing turbine. Noise levels must not exceed 43db or 5db above background noise at nearest inhabited area. No advertising should be placed on the turbine and the installation should not interfere with telecoms signals. Consent from the Irish Aviation Authority is required should the turbine is to be sited within 5km of an airport.
- **Solar thermal or PV in a domestic setting:** the total panel area should not exceed 12m² or 10% of the total roof area. The distance between the plane of the wall, or pitched roof, and the panel should not exceed 15cm. The distance between the plane of a flat roof and the panel should not exceed 50cm.
- **Solar thermal or PV in a light industrial or business setting:** panels cannot be erected on a wall. Total panel area should not exceed 50m² or 50% of the total roof area. The distance between the plane of a pitched roof and the panel should not exceed 50cm in light industrial building or 15cm in a business premises. The distance between the plane of a flat roof and panel should not exceed 2m in a light industrial setting and 1m in a business setting. The distance between the edge of the roof and the panel should be 50cm, or 2m in the case of a flat roof. All associated equipment should be stored in the building's roof space. Free standing

arrays should not be more than 2m above ground level and their total aperture must not exceed 25m².

- **Solar thermal within an industrial setting:** as above, except total aperture limit extended to 50m².
- **Solar thermal within an agricultural setting:** the same conditions apply in an agricultural setting that applies in a light industrial or business setting, except that a panel may be situated on a wall. In such a scenario the distance between the plane of the wall and the panel must not exceed 15cm.
- **CHP enclosing structure in industrial setting:** gross floor area must not exceed 500m², with height and length within 10m and 50m respectively. Structure must not be within 10m of a public road or 200m of the nearest inhabited dwelling. A maximum of two flues, with a height not exceeding 20m in height and 1m in diameter may be installed. Noise barriers must not exceed 43db.
- **CHP enclosing structure in light industrial or commercial setting:** gross floor area must not exceed 300m², with height and length within 10m and 50m respectively. Structure must not be within 10m of a public road or 200m of the nearest inhabited dwelling. A maximum of two flues, with a height not exceeding 20m in height and 1m in diameter may be installed. Noise barriers must not exceed 43db.
- **CHP enclosing structure in an agricultural setting:** gross floor area must not exceed 500m², with height and length within 10m and 50m respectively. Structure must not be within 10m of a public road or 200m of the nearest inhabited dwelling. A maximum of two flues, with a height not exceeding 16m in height and 1m in diameter may be installed. Noise barriers must not exceed 43db.
- **Biomass boiler in industrial, light industrial or business setting:** exemptions apply to boiler house, flues and fuel storage area. The gross area of the boiler house must not exceed 20m²; the maximum storage capacity must not exceed 75m³; and the maximum height for the boiler house is 3m. Two flues are permissible as long as they do not exceed 16m. One structure is permissible per premises. The boiler house must be further than 10m from the nearest road and 100m from the closest inhabited building (unless written consent from inhabitant is secured)/ Noise levels should not exceed 43db and the fuel should not be sourced from animal waste.
- **Biomass boiler in an agricultural setting:** as above, except flues may be up to 20m in height.

Annex 6: Republic of Ireland – Fees**Fees: Extracts from PLANNING AND DEVELOPMENT REGULATIONS, 2001***Scale of Fees for Planning Applications*

Column 1	Column 2	Column 3
Class of Development	Amount of fee	Amount of Fee for Retention Permission
1. The provision of a house.	€65.	€195, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
2. (a) Any works for the carrying out of maintenance, improvement or other alteration of an existing house (including any works for the provision of an extension or the conversion for use as part of the house of any garage, store, shed or other structure).	€34	€102, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
(b) Any other works, including the erection, construction or alteration of structures, within or bounding the curtilage of an existing house, for purposes ancillary to the enjoyment of the house as such.	€34.	€102, or €2.50 for each square metre of gross floor space for which permission is sought whichever is the greater.
3. The provision of buildings or other structures for the purposes of agriculture or the keeping of greyhounds.	(i) In the case of buildings, €80 for each building, or €1 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 20 square metres in any other case, whichever is the greater,	(i) In the case of buildings, €240 for each building, or €3 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 200 square metres in any other case, whichever is the greater,

	(ii) in the case of any other structures, €80 for each structure, subject to a maximum of €300	(ii) in the case of any other structures, €240 for each structure, subject to a maximum of €900.
4. The provision of buildings other than buildings coming within class 1, 2 or 3.	€80 for each building, or €3.60 for each square metre of gross floor space to be provided, whichever is the greater.	€240 for each building, or €10.80 for each square metre of gross floor space to be provided, whichever is the greater.
5. (a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes.	€5 for each hectare of site area.	€15 for each hectare of site area.
(b) Initial afforestation.	€5 for each hectare of site area.	€15 for each hectare of site area.
(c) The replacement of broad-leaf high forest by conifer species.	€80, or €5 for each hectare of site area, whichever is the greater.	€240, or €15 for each hectare of site area, whichever is the greater.
(d) Peat extraction.	€5 for each hectare of site area.	€15 for each hectare of site area.
6. The use of land for—	€500, or €50 for each 0.1 hectare of site area, whichever is the greater.	€1500, or €150 for each 0.1 hectare of site area, whichever is the greater.
(a) the winning and working of minerals,		
(b) the deposit of refuse or waste.		
7. The use of land for—	€80, or €50 for each 0.1 hectare of site area, whichever is the greater.	€240, or €150 for each 0.1 hectare of site area, whichever is the greater.
(a) the keeping or placing of any tents, campervans, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods,		
(b) the parking of motor vehicles,		
(c) the open storage of motor vehicles or other objects or		

substances.

8. The provision on, in over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes.	€200, or €50 for each 0.1 hectare of site area, whichever is the greater.	€600, or €150 for each 0.1 hectare of site area, whichever is the greater.
9. The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	€80, or €20 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.	€240, or €60 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.
10. The provision of overhead transmission or distribution lines for conducting electricity, or overhead tele-communications lines.	€80, or €50 for each 1,000 metres length, or part thereof, whichever is the greater.	€240, or €150 for each 1,000 metres length, or part thereof, whichever is the greater.
11. The use of land as a golf course or a pitch and putt course.	€50 for each hectare of site area.	€150 for each hectare of site area.
12. The use of land as a burial ground.	€200, or €50 for each hectare of site area, whichever is the greater.	€600, or €150 for each hectare of site area, whichever is the greater.
13. Development not coming within any of the foregoing classes.	€80, or €10 for each 0.1 hectare of site area, whichever is the greater.	€240, or €30 for each 0.1 hectare of site area, whichever is the greater.

ⁱ From correspondence with the Department of the Environment Northern Ireland 04/11/10

ⁱⁱ Renewables UK *State of the Industry Report* (November 2010) http://www.bwea.com/pdf/publications/SOI-Oct_2010_report.pdf

ⁱⁱⁱ *Ibid*

^{iv} *Ibid*

^v *Ibid*

^{vi} *Ibid*

^{vii} A&L Goodbody *Planning and Environmental* <http://www.algoodbody.com/invest-section/planning-and-environmental.aspx> (accessed 08/11/10)

^{viii} Limerick County Council *Request for further information or clarification* http://www.lcc.ie/Planning/Planning_Application_Guide/Stage3/Request_for_further_information.htm (accessed 08/11/10)

^{ix} A&L Goodbody *The Planning and Development (Amendment) Act 2010* (July 2010) <http://www.lexology.com/library/detail.aspx?g=8091f9e1-2f50-4c10-812b-7d5dc00ea1fa> (accessed 08/11/10)

^x A&L Goodbody *Planning and Environmental* <http://www.algoodbody.com/invest-section/planning-and-environmental.aspx> (accessed 08/11/10)

- ^{xi} Planning (Fees) (Amendment) Regulations (Northern Ireland) 2010
http://www.opsi.gov.uk/sr/sr2010/nisr_20100294_en_1 (accessed 04/11/10)
- ^{xii} *Ibid*
- ^{xiii} Correspondence with Department of the Environment 08/11/10
- ^{xiv} NI Direct *Making an appeal* <http://www.nidirect.gov.uk/index/information-and-services/property-and-housing/repairs-planning-and-building-regulations/planning-appeals/making-an-appeal.htm> (accessed 04/11/10)
- ^{xv} *Ibid*
- ^{xvi} The Planning Service NI *Permitted development rights for microgeneration development*
http://www.planningni.gov.uk/index/news/news_consultation/news_consultations_pdrights_microgeneration_211009 (accessed 05/11/10)
- ^{xvii} *Ibid*
- ^{xviii} From telephone conversation with Communities and Local Government 04/11/10
- ^{xix} Town and Country Planning (Fees for Application and Deemed Applications) (Amendment) (England) Regulations 2008 <http://www.legislation.gov.uk/ukxi/2008/958/contents/made>
- ^{xx} *Ibid*
- ^{xxi} *Ibid*
- ^{xxii} Directgov *Making a planning appeal*
http://www.direct.gov.uk/en/HomeAndCommunity/Planning/PlanningAppeals/DG_10026061 (accessed 05/10/11)
- ^{xxiii} Communities and Local Government (April 2007) *Changes to permitted development: consultation paper 1 – permitted development rights for householder microgeneration*
- ^{xxiv} Communities and Local Government *Small-scale renewables and low-carbon technology Non-domestic permitted development review: Final report* (November 2009)
<http://www.communities.gov.uk/publications/planningandbuilding/smallscalereview?view=Standard>
- ^{xxv} Parliamentary Questions 15394, tabled 09/09/10
- ^{xxvi} The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010 <http://www.legislation.gov.uk/ssi/2010/141/regulation/2/made> (accessed 04/11/10)
- ^{xxvii} *Ibid*
- ^{xxviii} *Ibid*
- ^{xxix} *Ibid*
- ^{xxx} The Scottish Government *Appeals Guide* <http://www.scotland.gov.uk/Topics/Built-Environment/planning/decisions-appeals/Appeals/AppealsGuide#a12> (accessed 04/11/10)
- ^{xxxi} The Town and Country Planning (General Permitted Development) (Scotland)
<http://www.legislation.gov.uk/ssi/2010/27/article/2/made>
- ^{xxxii} The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009 <http://www.legislation.gov.uk/ssi/2009/34/schedule/made>
- ^{xxxiii} Scottish Government *Permitted Development Rights for Microgeneration Equipment on Non-Domestic Properties – Consultation* (July 2010) <http://scotland.gov.uk/Publications/2010/07/15092031/1>
- ^{xxxiv} *Ibid*
- ^{xxxv} Welsh Assembly Government *Generating your own energy* (July 2010)
<http://wales.gov.uk/docs/desh/publications/101027currentgyoen.pdf>
- ^{xxxvi} Correspondence with Monaghan, Donegal and Cavan Planning Authorities 05/11/10
- ^{xxxvii} Welsh Assembly Government *Generating your own energy* (July 2010)
<http://wales.gov.uk/docs/desh/publications/101027currentgyoen.pdf>