



Consultation on changes to Permitted Development Rights for small scale renewable and low carbon energy technologies, and electric vehicle charging infrastructure

A consultation response by the English National Park Authorities Association (ENPAA)

February 2010

Thank you for providing the opportunity to comment upon the proposals to amend the General Permitted Development Order (GPDO) in respect of micro generation.

The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities. Our response represents the collective view of officers who are working within the policies established by the National Park Authorities (NPAs). Individual National Park Authorities may submit separate comments, which will draw on the specific issues for their particular area.

ENPAA supports appropriate renewable energy developments in National Parks, further details are set out within the ENPAA Position Statement on Renewable Energy¹. NPAs have significantly high approval rates for micro generation planning applications for example between April 2004 and March 2009 the North York Moors NPA approved 83%. In addition NPAs development plan policies are providing a positive framework for the development of micro renewable energy within National Parks, for example Northumberland National Park Core Strategy requires all new development to realise the potential for onsite renewable energy generation and as a minimum, all new units of residential, employment, community and tourism development are required to embed renewable energy within the development to offset at least 10% of the predicted energy requirements.

The above is being undertaken within the context of the National Park statutory purposes set out within the 1995 Environment Act to:

- conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
- promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.

In pursuing these purposes National Park Authorities also have a duty “to seek to foster the economic and social well-being of local communities”.

It is in this context that ENPAA would like to express concern over the proposals contained in the consultation document. Under the proposals the permitted development rights for micro generation would be the same in National Parks as within non-designated areas (apart

¹ http://www.enpaa.org.uk/enpaa_pps_renewable_energy.pdf

from in relation to ground mounted solar panels), this is considered to be contrary to current national policy and legislation.

Paragraph 11 of Planning Policy Statement 22: Renewable Energy (PPS22) clearly recognises the status of National Parks, highlighting that within nationally recognised designations planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development. It is considered that the proposed amendments to the GPDO are contrary to PPS22 as they could potentially result in renewable energy developments not requiring planning permission which may compromise the objectives of the designation of National Parks.

In addition, the consultation document does not recognise that with regard to screening for Environmental Impact Assessments renewable energy development within sensitive areas² are treated differently to that outside sensitive areas. The regulations³ have smaller thresholds than those proposed in the consultation document. The current GPDO sets different limits for permitted development rights within National Parks which helps to ensure that renewable energy developments take place in a manner which does not compromise the objectives of the designation.

There should therefore be specific protection for National Parks within the amended GPDO to reflect their status as nationally important landscapes. Within National Parks the planning process is vital to ensuring renewable energy development has a minimal impact, for example through negotiating on issues such as the best location and design and by attaching conditions to the approval of wind turbines regarding the final colour of the turbine. Without this influence development could potentially have an unacceptable impact upon the National Park, undermining the reasons for designation of National Parks.

In addition to these key concerns ENPAA would also like to highlight the following more detailed points:

- The consultation document proposes that permitted development rights are generally not to be applied in Conservation Areas and World Heritage Sites where development would be visible from any highway which bounds the curtilage of the property. Further clarification is required over the meaning of this i.e. does it relate only to that part of the highway which physically adjoins the site, or to the whole of that highway provided that part of it adjoins the site. In addition, the definition of “highway” is continually in dispute and the final GPDO should provide certainty about what should be considered as the “highway”;
- It is recognised that the proposals do allow for Article 4 directions to be put in place to restrict permitted development rights in exceptional circumstances; however, this would not protect the whole National Park from such developments, as it is considered the use of an Article 4 Directive in this way would not be appropriate. It should also be noted that the process of applying Article 4 directions is also costly and time consuming;
- There is the potential for adverse impacts on specific heritage assets which are widespread within National Parks and although they are often protected through legislation, such as protected species and Scheduled Monuments, such impacts are often only picked up through the planning application process. Under the proposals any impacts may not come to light until the development has already taken place. This harm may not be obvious, for example when installing ground source heat pumps laid horizontally, which could have significant effects upon archaeology.

² The definition of sensitive areas is set out within paragraph 36 of Circular 2/99: Environmental Impact Assessments and it includes National Parks, AONBs, World Heritage Sites and Scheduled monuments.

³ The Town and Country Planning (Environmental Impact Assessment) Regulations 1999

In summary ENPAA urges the Government to amend the proposals to bring the amendments into line with other guidance and legislation by ensuring that the objectives of the designation of National Parks can be fully taken into account in all proposals for renewable energy development. National Parks are recognised as having the highest status of protection for landscape and have a rich natural and cultural heritage spread across a large and often varied geographic area. These proposals, especially relating to wind turbines, could significantly compromise that protection unless this proposed legislation is amended to enable landscape considerations to be taken into account within the specific circumstances which exist within National Parks, and which differentiate the National Parks from the wider countryside.