

Review of permitted development rights

Comments by

Northern Ireland Environment Link

22nd 12th 2022

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the natural and built environment of Northern Ireland. Its 66 Full Members represent 190,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further, we would be happy to do so.

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Question 1: Do you agree with the above proposals in relation to air source heat pumps?

Yes. As the consultation points out, the permitted development rights in NI currently allow for one air source heat pump (ASHP) within the curtilage of a dwellinghouse but development is not permitted if any part of an ASHP would be less than 30 metres from another dwellinghouse. In effect, this will severely limit the potential for the installation of ASHPs in NI. Heat pumps and other renewable energy options will have an important role to play in meeting the targets in the Climate Change Act (NI) 2022¹. In addition to the overall target for greenhouse gases (GHGs) to reach net zero by 2050, paragraph 16 (1) of the Act states

“The Department for Infrastructure must develop and publish sectoral plans for the infrastructure sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.”

Paragraph 16 (2) states

“Sectoral plans for infrastructure must include proposals and policies for planning and construction.”

Also, as pointed out in paragraph 1.3 of the consultation, Action 13 of the NI Executive ‘Energy Strategy for Northern Ireland: The path to Net Zero Energy Action Plan 2022’² 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.”

The stated aim of this action is

“Primarily to address the permitted development for heat pumps to align with modern standards and requirements, informed by other jurisdictions. Also to assess any changes required for rolling out other low carbon heat technologies”

Considering the targets in the Climate Change Act (NI) 2022, the Energy Strategy and other commitments, NIEL believes it is therefore appropriate that the permitted development rights in NI are amended to ensure that they facilitate meeting NI’s net zero targets. Specifically, NIEL agrees with the proposed course of action that: ASHPs must comply with Microgeneration Certification Scheme (MCS) Planning Standards or equivalent standards; that as regards location, any part of an ASHP would be at least 1 metre from another dwellinghouse (matching the regulations in England) or could even have no restrictions set, as is the case in Scotland; and that the height restriction for ASHPs should be changed from

2 metres to 3 metres so that units of up to 3 meters are covered by the permitted development rights.

Question 2: Do you have any additional amendments which you believe should be included?

NIEL believes that any permitted development rights must be set within the overarching principle that action on climate change does not increase the threat to nature by ensuring that renewables are deployed in the right places, in harmony with nature in the least ecologically sensitive areas, avoiding adverse impacts and maximising opportunities for nature recovery and resilience.

Requirement (a) for development not permitted states that not more than one air source heat pump can be located within the land immediately surrounding a building. It would appear that this would then also restrict the installation of ASHPs in flats for example as well as premises which have adjacent residences like “Granny flats”. So, NIEL believes that greater clarity and some flexibility in this approach to allow for multiple ASHP installations in such cases would be useful given that, as outlined in our response to Q1, heating our homes will also need to be completely decarbonised.

An increase in the use of heat pumps, which will be necessary to decarbonise heating, will also likely increase electricity demand, which will in turn require investment in upgrading the grid. This needs to be sensitively managed to ensure security of supply of renewable energy.

Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?

Yes. NIEL agrees with the proposal to align the permitted development rights with England, Scotland and Wales where there are permitted development rights for the provision of a ground or water source heat pump within the curtilage of a dwellinghouse with no conditions or limitations.

Question 4: If you have views on whether permitted development rights for domestic wind turbines should be considered please provide details?

In general, NIEL is supportive of alignment of the permitted development rights regulations where appropriate, so that the same terms and conditions that apply to renewable and low carbon technology installers, manufacturers and suppliers in England, Scotland and Wales apply in NI to ensure consistency of approach and opportunity, including for domestic wind turbines.

There are very significant economic, environmental and social opportunities for Northern Ireland in the low carbon and renewable energy sector. NIEL believes those opportunities need to be maximised and amending the permitted development regulations to facilitate the appropriate development of renewable energy options is an important part of that.

Commitment 7 of the draft Green Growth Strategy³ states

“We will transform 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”.

Amending the Permitted Development regulations to facilitate the appropriate expansion of low carbon and renewable energy options would be consistent with that commitment to maximise opportunities for low carbon and renewable options.

The case for developing a green economy was made in the House of Commons Environmental Audit Committee in its “A Green Economy”⁴ report which said

“The whole economy needs to be green and traditional sectors of the economy will need to be transformed”

The NI and UK economies are due to be completely decarbonised by 2050 and the importance of the economic opportunities arising from achieving net zero carbon was recognised in the Department for the Economy’s “A 10X Economy” report⁵ as one of the ‘new and emerging’ sectors influencing future skills demand.

The potential for job creation in renewable energy and low carbon choices is enormous and must be maximised. This was illustrated by research for The Institute for Public Policy and Research⁶ which concluded that greater investment in a green recovery and clean, low-carbon jobs could create 1.6 million new jobs over the next decade in the UK, of which over 40,000 could be in Northern Ireland. This is more than three times the 11,700 FTE jobs in the low carbon and renewable energy (LCRE) economy in NI which generated £2 billion in 2017⁷.

As the UK Climate Change Committee (CCC) said in a letter⁸ to the AERA Minister dated 1 April 2021

“A slower path to decarbonisation in Northern Ireland would bring large-scale risks that would be difficult to manage”

There has also been support for decarbonising energy from the business community as illustrated by the CBI description of the recovery from the COVID-19 pandemic as a real opportunity to build back better and pivot towards the low-carbon, sustainable, and net-zero aligned economy that we know we need⁹. The CBI called for government action to

“Accelerate the deployment of low-carbon electricity generation and investment in grid system flexibility”

“Deliver jobs and energy savings by retrofitting homes and buildings to be more energy efficient and switch to low-carbon heating.”

Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?

Paragraph 18 of the Climate Change Act of 2022 requires at least 70% of waste is recycled by 2030. Deposit return schemes could play an important role in achieving that 70% recycling target and so reverse vending machine should be facilitated in order to help achieve that target.

Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right?

Yes. NIEL would suggest that a more flexible and integrated electricity system will be needed to incorporate more renewable energy sources, especially when those sources are intermittent, to allow for a broader range of renewable sources to contribute to the energy mix. NIEL believes there is also a role for much more decentralised renewable energy and for the development of Smart grid as a means of helping to manage demand and supply. As we move to a decarbonised electricity system, digitalisation, storage and energy demand reduction is likely to play an increasingly important role in how energy is managed.

-ENDS-

¹ <https://www.legislation.gov.uk/nia/2022/31/enacted>

² <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/energy-strategy-path-to-net-zero-action-plan.pdf>

³ <https://www.daera-ni.gov.uk/consultations/consultation-draft-green-growth-strategy-northern-ireland> (p15)

⁴ House of Commons Environmental Audit Committee A Green Economy Twelfth report of session 2010-12 Volume 1 HC1025 <https://www.parliament.uk/documents/TSO-PDF/committee-reports/cmenvaud.1025.pdf>

⁵ <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/10x-economy-summary.pdf>

⁶ <https://www.ippr.org/research/publications/transforming-the-economy-after-covid19>

⁷ ONS Low Carbon and renewable energy economy, UK 2017 see Table 3

<https://www.ons.gov.uk/economy/environmentalaccounts/bulletins/finalestimates/2017#how-do-we-measure-the-low-carbon-economy>

⁸ <https://www.theccc.org.uk/publication/letter-economic-costs-of-setting-and-delivering-a-2050-emissions-target-for-northern-ireland/>

⁹ Achieving Net-Zero the government decisions needed to deliver a green recovery

<https://www.cbi.org.uk/media/5579/cbi-green-recovery-roadmap.pdf>