EXECUTIVE NOTE

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (DOMESTIC MICROGENERATON) (SCOTLAND) AMENDMENT ORDER 2009 (S.S.I. 2009/34)

The above instrument was made in exercise of the powers conferred by sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

Policy Objectives

The aim of the instrument is to enable more microgeneration equipment to be installed on existing domestic buildings without the need to apply for planning permission. The Order will grant permitted development rights to the following classes of development: solar thermal and solar photovoltaic panels (on buildings and free-standing with their curtilage); flues for biomass systems; ground source heat pumps; water source heat pumps; and flues for combined heat and power devices.

The amendments aim to encourage the installation of more microgeneration equipment thereby contributing to meeting the objectives of reducing carbon dioxide emissions from buildings, achieving a secure and diverse supply of energy and supporting economic growth in the sector.

The instrument seeks to strike the right balance between the wider environmental, social and economic benefits of microgeneration, and managing adverse impacts on neighbours and amenity generally. It does this by using thresholds on the size and siting of the equipment and conditions its impact on the amenity of the area.

Permitted development rights for air source heat pumps and micro wind turbines are not included in the Order at the moment. Consultation did not reveal any evidence to set a distance based threshold to deal with potential impacts on residential amenity (mainly noise and visual intrusion). The consultation also raised an alternative approach based on accreditation of the equipment and installers (using the Microgeneration Certification Scheme) but some operational issues are still unresolved. Consultation also identified the need for permitted development rights for wind turbines to be compatible with the existing safeguarding controls on the height of development around airports, airfields and related technical sites (i.e. radars). Ministers have agreed that the position with regard to these technologies will be reconsidered on completion of a study that looks at the issues relating to Permitted Development rights.

Consultation

The following bodies, amongst others, have responded to a public consultation carried out during the preparation of the instrument.

Aberdeen City Council
Angus Council
Archaeology Scotland
Architectural Heritage Society of Scotland
Association of Conservation Energy
Bat Conservation Trust
British Wind Energy Association
Broughty Ferry Community Council

Cairngorms National Park Authority
City of Edinburgh Council
Cockburn Association / The Edinburgh Civic Trust
Craiglockhart Community Council
East Ayrshire Council
East Renfrewshire Council

Energy Saving Trust
E-On UK oc
Forster Roofing Specialist
Glasgow City Council
Highland Council (Development Management)
Institute of Historic Building Conservation

Loch Lomond & Trossachs National Park
Nick Forrest Associates Ltd
North Lanarkshire Council
Renewable Devices Swift Turbines Ltd
Renfrewshire Council
Royal Environmental Health Institute of Scotland
Royal Society for the Protection of Birds
Scottish and Southern Energy
Scottish Environmental Protection Agency
Scottish Natural Heritage
Scottish Sustainable Energy Federation
Socialist Environment and Resource Association
South Lanarkshire Council
Vokera Ltd
Windsave Ltd

Change Works
Clean Energy Solutions

Colinton Amenity Association
Dundee City Council
East Dunbartonshire Council
Eco-Renovation Network
Environmental Protection UK (Scottish Division)
Falkirk Council
Friends of the Earth
Go Greener
Highlands and Islands Community Energy Council
Larbert, Stenhousemuir & Torwood Community Council
Micropower Council
North Ayrshire Council
Proven Energy
Renewables Connection
Robert Gordon University

Royal Institution of Chartered Surveyors
Royal Town Planning Institute - Scotland
Scottish Borders Council
Scottish Federation of Housing Associations
Scottish Renewables
Shetland Island Council

Solar Trade Association
Taylor Wimpey Ltd
West Lothian Council
WWF Scotland

The responses have informed amendments to the Order in the following ways:

- Thresholds have been made less restrictive: i.e. the projection of solar panels above the roof plane has been increased to 200mm.
- Additional thresholds have been included: i.e. permitted development rights for biomass equipment have not been granted in Air Quality Management Areas.
- Permitted development rights for 2 classes of development (wind turbines and air source heat pumps) have not been granted pending further consideration.

Financial Effects

The instrument has no financial effects on the Scottish Government, local government or on business. [See RIA]

Scottish Government Directorate for the Built Environment
January 2009.

REGULATORY IMPACT ASSESSMENT

1 Title Of The Proposal

1.1 This is the Regulatory Impact Assessment (RIA) of the proposals to amend the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the GPDO) to give permitted development rights to categories of microgeneration equipment for domestic properties.

1.2 This RIA assesses the likely impacts of the Order.

2 Purpose and Intended Effect

Objectives

2.1 The aim of the amendments to the GPDO is to enable more microgeneration equipment to be installed on existing domestic buildings without the need to apply for planning permission. The amendments will contribute to meeting the objectives of reducing carbon dioxide emissions from buildings, achieving a secure and diverse supply of energy and supporting economic growth in the sector. The instrument seeks to strike the right balance between managing adverse impacts on neighbours and amenity generally, and the wider environmental, social and economic benefits.

2.2 It is intended that the proposals will have the following effects:

- The elimination of time and monetary costs to householders of obtaining planning permission (a perceived barrier to take-up);
- Potential cost savings to householders;
- Increased uptake of renewable sources of power relative to non-renewable sources leading to knock on effects on carbon savings
- Stimulation of the market demand for renewable technologies;
- Contribution towards the national target for renewable energy; and
- Wider direct and indirect effects including an anticipated reduction in the work of planning authorities in determining planning applications.

Background

2.3 Microgeneration is the production of heat (less than 45 kilowatt capacity) and / or electricity (less than 50 kilowatt capacity) from zero or low carbon source technologies. Some microgeneration technologies produce energy using renewable resources such as ground source heat pumps (GSHP), air source heat pumps (ASHP), solar photovoltaics (PV), solar thermal, wind or biomass (e.g. wood) and some, like combined heat and power (CHP), may use fossil fuels but are much more efficiently than conventional systems.

2.4 More data is becoming available on the current use of domestic microgeneration in the UK and in Scotland. A report commissioned by the Department for Business,

Enterprise and Regulatory Reform (BERR),[1] estimates that between 108,000 to 113,000 microgeneration units had been installed in the UK and between 12,590 and 13,100 units have been installed in Scotland up to August 2008. This report is based on the records of grant schemes though limitations on accuracy are highlighted.

Rationale for Government Intervention

2.5 To tackle energy issues : The Scottish Government have set a target of generating 50% of Scotland's gross electricity consumption from renewable energy by 2020. Support is given to the full range of renewable technologies to achieve this, including microgeneration, to tackle the major issues of reducing carbon dioxide emissions from buildings, achieving a secure and diverse supply of energy and supporting economic growth in the sector.

2.10 To benefit businesses and consumers : Support for microgeneration will also enable the development of a viable renewables industry in Scotland through greater demand, improvements to the effectiveness of technologies and ultimately economies of scale leading to reduction in prices for consumers. Microgeneration could become a realistic alternative or supplement to conventional energy sources.

2.11 To create certainty in planning : At present there is a lack of clarity about the need for planning permission for some technologies leading to different interpretations of the GPDO and an inconsistent approach across Scotland. Where a planning application is required, the current fee for this in Scotland is £145. This increases significantly however when associated costs, such as professional fees and time for negotiations, are factored in. The resource requirement and uncertainties may therefore be a deterrent to the use of microgeneration technologies, which the amendments to the order would remove.

2.12 Generally : The proposals represent a deregulatory initiative which reduce the regulatory burden on households.

2.13 Retaining the status quo : With no changes made to the GPDO, the generating capacity of renewable energy will be restricted, the cost effectiveness of microgeneration equipment will suffer and uncertainties within planning will continue.

3 Consultation

Within Government

3.1 The Order has been the subject of discussion and internal consultation with Historic Scotland, Building Standards, Enterprise, Energy and Tourism, Environmental Quality and Housing and Regeneration. Discussions have also been held with colleagues in England.

[1] Numbers of microgeneration units installed in England, Wales, Scotland and Northern Ireland, Element Energy for BERR. November 2008.

Public Consultation

3.2 The consultation paper, *Permitted Development Rights for Domestic Microgeneration Equipment,* was launched at the beginning of March 2008 and responses were requested by 12th May 2008. It sought views on the extent to which planning control could be reduced for domestic buildings by seeking opinions on proposed thresholds.

3.3 The consultation attracted 82 responses from a range of stakeholders, including planning authorities, public agencies, individuals, the renewables industry and trade associations, NGOs, environmental and heritage groups, academic and professional bodies, and the housing and building industry. An analysis of the responses has been carried out, which will be published on the Scottish Government website.

3.4 The responses have informed amendments to the final Order in the following ways:

- Thresholds have been made less restrictive: i.e. the projection of solar panels above the roof plane has been increased to 200mm.
- Additional thresholds have been included: i.e. permitted development rights for biomass equipment have not been granted in Air Quality Management Areas.
- Permitted development rights for 2 classes of development (wind turbines and air source heat pumps) have not been granted pending further consideration.

4 Options

4.1 Three options were considered, including the 'do-nothing' scenario. The remaining options vary in relation to the extent to which impacts are managed via planning.

4.2 Consideration of the options below does not take account of external events which may affect the take up of microgeneration technologies, such as changes in non-renewable fuel prices.

Option 1 : Do Nothing – Status Quo.

4.3 At present the extent to which householders have rights to install microgeneration technologies without planning permission is unclear. Guidance in the Annex to Planning Advice Note (PAN) 45, Planning for Micro-Renewables (2006) indicates that most micro-wind turbines are likely to require planning permission, whilst in some cases solar collectors may not. The lack of clarity would continue with this option resulting in inconsistent application across the country and uncertainty for stakeholders. Maintaining the status quo would not achieve the objectives identified in section 2.1 above clearly or consistently. It would not require changes to implement.

Option 2 : Absolute Permitted Development Rights for all Microgeneration Equipment

4.4 This would enable anyone wishing to install any type of microgeration equipment on their dwelling to do so without the need to apply for planning permission. It would remove all financial and time costs relating to the application process and some associated professional fees. It would also result in a myriad of impacts on the built and natural environment and to residential amenity. This option would achieve the

objectives identified in section 2.1 but would do so at the expense of generally accepted planning principles relating to protection of the environment in the wider public interest. It would require changes to the GPDO to implement the proposals.

Option 3 : Permitted Development Rights Limited by Impact Thresholds

4.5 The GPDO would set individual thresholds for the right to install different types of microgeneration technologies on domestic dwellings. The thresholds would take account of the likely impacts associated with the particular technology, for example in relation to size, position and proximity to other houses. This represents a precautionary approach with greater restrictions for some technologies for specific areas, for example those designated for their historic value, in order to control impacts on the environment and residential amenity. This option would achieve the objectives in section 2.1 whilst mitigating risks associated with likely impacts. It may not generate the same level of up-take as Option 2 but in doing so it will prevent the risk of creating a backlash against microgeneration. It would require changes to the GPDO to implement the proposals.

5 Costs and Benefits

Sectors and Groups Affected

5.1 Planning authorities: Amendments to the GPDO will impact upon planning authorities who have responsibility for enforcing its implementation. Benefits will be felt in that it will be possible to interpret the Order with greater clarity and certainty and there will be fewer applications for them to consider.

5.2 Householders: The proposals are also likely to benefit householders wishing to install microgeneration technologies in that there will be certainty whether planning permission will be required. Where it is not needed there will be benefits of reduced costs in terms of time, there will be no fee applicable and associated professional fees may also be reduced.

5.3 Microgeneration technology manufacturers, retailers and the associated chains for research and design and components: These sectors are likely to benefit from a greater demand.

5.4 Neighbours: A range of impacts may affect the occupants of households surrounding those which install microgeneration technologies depending on the type installed.

5.5 Environmental health authorities: The authorities responsible for enforcement of issues relating to nuisance, for example noise, may be affected indirectly if a greater number of complaints are received from neighbouring households.

5.6 Non-renewable energy suppliers: Power generation companies and their supply chain are likely to be affected by a reduced demand.

Estimates of Microgeneration Uptake

5.7 Before estimates of costs and benefits of amendments to the GPDO can be attributed figures for the likely uptake of the relevant microgeneration technologies for Scotland are required. A report commissioned by the Department for Business, Enterprise and Regulatory Reform (BERR)[2] considers different policy approaches that could influence the uptake of microgeneration equipment and models them. The baseline scenario figures include a selected number of measures to support microgeneration, including there being no planning restrictions on installations. However, they do not include every measure to support microgeneration[3]. The 2008 report provides no estimates for micro-hydro therefore the final figures in this assessment for Option 2 will be even more conservative.

Figure 1. Estimates for installations of domestic microgeneration (baseline scenario)[2].

Units Installed	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	1,310	2,860	129,400	2,320	2,630	2,270	144,000	285,000
2020	1,510	49,400	751,000	21,000	7,400	6,100	263,000	1,100,000
2030	900	155,800	2,563,000	28,000	15,700	21,300	489,100	3,273,800
2050	5,100	423,500	4,312,200	1,100	22,800	116,300	853,300	5,734,300

5.8 2001 Census figures show that the proportion of Scottish households relative to the total households for England, Wales and Scotland is approximately 9%. Applying this to the figures above gives a general estimate of the equivalent potential uptake for Scotland.

Figure 2. Estimates for installations of domestic microgeneration (baseline scenario) in Scotland.

Units Installed	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	118	257	11,646	209	237	0	12,960	25,650
2020	136	4,446	67,590	1,890	666	549	23,670	98,947
2030	81	14,022	230,670	2,520	1,413	1,917	44,019	294,642
2050	459	38,115	388,098	99	2,052	10,467	76,797	516,087

5.9 The report does not distinguish between the potential for installations on existing buildings or on new buildings where the microgeneration technology would be part of the application as a whole. Whilst in other areas of the UK the proportion of new build housing to that of the existing may be significant[4], new build activity typically only represents approximately 1% of the total housing stock in any one year[5] in Scotland and in the present economic circumstances may be less. No adjustments to the figures are therefore made in this regard.

[2] The growth potential for Microgeneration in England, Wales and Scotland, Element Energy. June 2008.
[3] The baseline figures from the more recent report (2008) are lower than those used in the report referred to in the partial RIA (2005).
[4] The RIA for the England and Wales consultation paper indicates this is 10%.
[5] http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/cs_017789.hcsp

5.10 As implied in section 4.3 above some microgeneration technologies may already be considered permissible under the existing GPDO. To account for this adjustments are made as indicated in Figure 3. There is some uncertainty about the need for planning permission for GSHP but it is assumed it is much less relative to PV and solar on the assumption that boreholes or trenches would be engineering operations that would require consent. ASHP are generally installed on the outside of a building and would require consent. CHP and Biomass equipment is usually internal but the flues currently require consent. Wind turbines will require planning consent because of the nature of their impacts. Solar PV and thermal are similar in their characteristics and at present may be considered permitted development where their installation will not result in visual impacts. The adjustment needed are therefore taken into account in Figure 4.

Figure 3. Assumed estimates for the percentage share of technology which may currently be interpreted as permitted development.

GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal
10%	0%	90%	90%	0%	50%	

Figure 4. Potential microgeneration uptake for Scotland, including estimates of the share of technologies which may at present be considered permitted development (Option 2).

	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	106	257	1165	21	237	102	6,480	8,368
2020	122	4,446	6,759	189	666	275	11,835	24,292
2030	73	14,022	23,067	252	1,413	959	22,010	61,795
2050	413	38,115	38,810	10	2,052	5,234	38,399	123,032

5.11 Whilst the figures above would indicate the potential uptake of microgeneration technologies if permitted development rights were absolute (Option 2), adjustments are required for when thresholds are applied to different technologies which take account of possible impacts (Option 3) as are proposed in the final Order.

5.12 GSHP, with their associated pipe work and engineering works, would be permitted development. ASHP are not to be granted PD rights. CHP and biomass equipment will be permitted development subject to the flue only being 1m above the highest point of the roof and within conservation areas and World Heritage Sites (WHS) PD rights are not granted on the principal elevation. Biomass and CHP equipment that uses biomass fuels are not granted PD rights in Air Quality Management Areas (AQMAs). Wind turbines are not to be granted PD rights. Solar PV and thermal thresholds relate more to their relationship with the building than to general types of location. Micro-hydro are not to be granted PD rights.

5.13 Estimates for the percentage share of technology uptake which will be permitted by the thresholds in the final Order are shown in Figure 5 and the resulting impact on numbers in Figure 6. These assumptions however, do not take account for specific location circumstances which may restrict the type of technology that could generate energy efficiently.

Figure 5. Estimates for the percentage share of technology uptake permitted by the final Order.						
GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal
100%	0%	60%	60%	0%	90%	

Figure 6. Potential microgeneration uptake for Scotland, including estimates of thresholds (Option 3).								
	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	106	0	699	13	0	92	5,832	6,741
2020	122	0	4,055	113	0	247	10,652	15,190
2030	73	0	13,840	151	0	863	19,809	34,736
2050	413	0	23,286	6	0	4,710	34,559	62,974

Benefits

5.14 It is anticipated that amendments to the GPDO will bring a range of benefits as identified throughout previous sections. These generally relate to four broad areas, the first two of which are more readily quantifiable using the estimates above.

- The removal of the need to apply for planning permission will result in savings for householders both for the application and some associated fees. It should also reduce the length of time taken for technologies to be installed.
- A reduction in the number of planning applications to authorities will result in savings in staff time and lower costs.
- A growth in demand for microgeneration technologies would increase production and manufacturing and lead to technological improvement through research and development.
- A more competitive market should contribute to reaching a range of targets including reduced energy bills for consumers, a more diverse energy mix and ultimately to a reduction in carbon emissions.

Householders

5.15 The current cost of submitting a householder planning application in Scotland is £145. The indirect costs, for example professional fees, is approximately £725[6]. This results in a saving of £870 per installation. By applying the saving per installation to the number of cases that would otherwise have required planning permission in options 2 and 3 to 2030, cumulative savings can be estimated.

[6] Based on the Price Waterhouse Coopers Administrative Burdens Measurement Project. The transaction cost of a minor application was calculated as £1450. It was assumed that a householder consent would cost half of this, or £725.

Figure 7. Householder Savings (£) (Option 2).								
	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	92,000	220,000	1,000,000	18,000	210,000	89,000	5,600,000	7,229,000
2020	110,000	3,900,000	5,900,000	160,000	580,000	240,000	10,000,000	20,890,000
2030	63,000	12,000,000	20,000,000	220,000	1,200,000	830,000	19,000,000	53,313,000

Figure 8. Householder Savings (£) (Option 3).								
	GSHP	ASHP	CHP	Biomass	Wind	Solar PV	Solar Thermal	Total
2015	92,000	0	610,000	11,000	0	80,000	5,100,000	5,893,000
2020	110,00	0	3,500,000	99,000	0	210,000	9,300,000	13,219,000
2030	63,000	0	12,000,000	130,000	0	750,000	17,000,000	29,943,000

5.16 Option 2 offers savings of at least £20 million by 2020 and option 3 savings of at least £13 million. Whilst there is a significant difference between the 2 options, risks associated with a possible backlash against technologies in relation to their impacts in Option 2 could then have a major impact on the realisation of the potential savings by 2030 but which would be more likely to be achieved under Option 3. The intention to reconsider the potential for wind turbines and air source heat pumps 12 months after the commencement of the Order could lead to even further saving being reached by 2015 and beyond for Option 3.

5.17 These savings do not take into account the value which householders place on the time saved in not having to apply for planning permission in regard to completing the necessary forms and procedures and being subject to the uncertainty of a process of which they have little detailed knowledge.

Planning Authorities

5.18 The estimates for the total potential uptake in Figures 4 and 6, repeated below, equate to the number of planning applications that authorities would not have to determine under each of the options. Staff resources could therefore be more appropriately assigned.

5.19 Option 2 would generate the greatest uptake in the short-term and therefore would generate the greatest savings of resources. However, these would need to be off-set against costs incurred, for example by environmental health authorities where complaints are made in regard to impact on neighbours.

Year	Option 2	Option 3
2015	8,368	6,741
2020	24,292	15,190
2030	61,795	34,736
2050	123,032	62,974

Technologies

5.20 In general, the economics associated with early stages of technological developments indicate that costs are higher in initial phases. Once demand is generated and barriers to uptake removed it would be expected that technologies would be refined so that they became more efficient in terms of production costs and their output. The resultant benefits would be to consumers and the industry as a whole. Quantifying benefits in this regard are extremely complicated given the variety of assumptions which relate to different rates for different scales of technology, commercial energy costs, level of government intervention, grid technology.

5.21 Option 2 would generate the greatest uptake in a short time period therefore allowing economies and efficiencies to be realised sooner. However, this could be jeopardised by the risks associated with a backlash.

Targets

5.22 Where microgeneration technologies are installed householders will require less energy from the grid and may even be able to export extra capacity. This is turn should reduce fuel bills for consumers. In the longer term this has potential to reduce the number of households affected by fuel poverty.

5.23 The use of microgeneration technologies may represent relatively small amounts of energy for individual householders but over the longer term should cumulatively contribute towards a security of energy supply and creation of a variety of sources that are economically viable.

5.24 The ultimate benefit from each of these actions would mean that the use of fossil fuels to generate energy is reduced as low and zero carbon emitting options are adopted. This would play a part in meeting targets for the reduction of carbon emissions.

5.25 The risks highlighted previously associated with absolute permitted development rights would introduce vulnerability to the achievement of the above targets, the majority of which have broader, aspirational aims.

Costs

5.26 It is anticipated that amendments to the GPDO could have a variety of costs, as identified throughout previous sections.

Planning Authorities

5.27 The £145 fee payable to authorities to process these types of application would no longer be received. The more precautionary approach in Option 3 therefore results in less revenue being lost. The options would result in the loss of revenues identified below.

Year	Option 2	Option 3
2010	1,200,00	980,000
2020	3,500,00	2,200,000
2030	9,000,000	5,000,000
2050	180,000,000	9,100,000

Environmental Impacts

5.28 The current situation of applying for planning permission enables the planning merits of an application to be considered, for example the impact on the natural and built environment such as landscapes and listed buildings. Where this would be removed in full, as in Option 2, a range of impacts will be possible without assessment or management. Option 3 however, accounts for the likely impacts of particular technologies within the limitation thresholds. Anything that fell outwith the thresholds would then be subject to a planning assessment.

5.29 These impacts have the potential to be detrimental to neighbouring residential amenity (e.g. noise and visual) as well as to the wider environmental in terms of the cumulative impact of a variety of technologies within a small area. As a consequence, these could result in complaints to regulatory bodies such as environmental health authorities.

Commercial Energy Providers

5.30 An increase in locally produced energy will result in less energy being purchased from commercial scale companies. They would therefore experience a reduction in demand and therefore loss of revenues. Option 3, compared to Option 2, would mean that this is limited in the short term.

6 Small / Micro Firms Impact Test

6.1 The microgeneration industry is characterised by small scale firms. No specific information is available, or research undertaken, on the impact of these proposals specifically on small businesses. However, the removal of barriers would promote technologies and benefit those companies looking to develop and refine products. Taking a precautionary approach, as in Option 3, would enable impacts to be monitored and considered in product refinement to prevent adverse impacts undermining the acceptability of technologies and the industry.

6.2 As well as manufacturers and retailers the planning system is supported by a range of professional sectors, including private planning consultancies, architects and surveyors. Option 2 would result in less business for these firms and whilst this would occur for Option 3, it would be to a lesser extent.

7 Legal Aid Impact Test

7.1 This test is not considered relevant to the amendments to the GPDO.

8 'Test Run' of Business Forms

8.1 The amendments to the GPDO do not contain business forms.

9 Competition Assessment

9.1 Key areas for the consideration of competition impacts are:

- Competition between large scale commercial energy providers, which at present dominate the market, and the introduction of smaller scale microgeneration technology manufacturers, retailers and installers which will enable households to generate their own energy.
- Competition between energy providers could lead to changes in energy prices as conventional fossil fuel sources reduce and prices for energy from microgeneration becomes more competitive.

10 Enforcement, Sanctions and Monitoring

10.1 In the first instance, planning authorities will continue to provide the authoritative interpretation of any amendments made to the GPDO. Where this is challenged in the courts precedents will be set which assist this interpretation. Planning authorities will also remain responsible for enforcement where development has not been implemented correctly.

10.2 Option 2 of the proposals may result in impacts to neighbouring residential amenity which may require monitoring and enforcement by environmental health authorities.

11 Implementation and Delivery Plan

11.1 The Regulations will be laid before Parliament following Parliament's return from recess in January 2009.

12 Post-Implementation Review

12.1 The Directorate for the Built Environment receives regular feedback from practitioners and professional bodies on all areas of planning.

12.2 Ministers have agreed that the position with regard to these technologies will be reconsidered on completion of a study that looks at the issues relating to permitted development rights.

13 Summary and Recommendation

13.1 Based on the analysis presented above, the recommendation is to implement an amendment to the GPDO as outlined in Option 3.

Summary Costs and Benefits Table

Option	Benefits	Costs
	Economic, Social & Environmental	
1	No change.	No change.
2	• Greater cost and time savings to householders: planning & energy use. • Greatest cost savings by planning authorities in terms of applications dealt with. • Quicker technology development and reduction in prices. • Greater contribution to reducing carbon dioxide emissions. • Greater number of households removed from fuel poverty.	• Greater risk of backlash against technologies and the wider industry. • Costs passed to environmental health authorities. • Greater vulnerability to long term achievement of policy objectives. • Greater revenue lost by planning authorities. • Range of environment impacts possible with no regulation. • Greater reduction in energy demand for commercial energy providers.
3	• Less risk of backlash against technologies and the wider industry. • Costs not passed to environmental authorities. • Less vulnerability to long term achievement of policy objectives. • Less revenue lost by planning authorities. • Greater account of possible environmental impacts and management of them. • Less reduction in energy demand for commercial providers.	• Less cost and time savings to householders: planning & energy use. • Less cost savings by planning authorities in terms of applications dealt with. • Slower technology development and reduction in prices. • Less contribution to reducing carbon dioxide emissions. • Fewer number of households removed from fuel poverty.

14 Declaration and Publication

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.