

D. BATHO REPRESENTATION TO B&NES CABINET MEETING 12th JUNE 2013

'ENVIRONMENTAL GAIN - STRIKING A BALANCE'

I wish to bring to your attention a quality of life issue which, I hope you will agree, has important implications for the B&NES area and, indeed, beyond.

I feel sure you will have noticed that, increasingly, solar PV and/or solar thermal developments are being installed on houses - domestic microgeneration initiatives which are fully in line with Government and B&NES aspirations regarding climate change and renewable energy.

However, as we have seen in various important planning matters, it is the case that laudable aims and policies can often be in conflict with other, highly desirable, objectives. This dilemma could not be more evident than in current legislation which guides the 'permitting' of solar developments on unlisted houses.

The overriding concern is that this legislation - the 2011 amendment to The Town and Country Planning (General Permitted Development) Order 1995 - is so drafted that, on one hand, while it increases opportunities for environmental gain through generation of solar energy, on the other, it fails to provide the necessary protection as regards visual amenity. This is especially important in environmentally sensitive areas such as Conservation Areas, World Heritage Sites (WHSs) and their settings, Green Belt and Areas of Outstanding Natural Beauty (AONBs).

The essence of the problem is that the legislation makes no reference to these environmentally sensitive areas, other than stating that installation of solar equipment on a Scheduled Ancient Monument, a listed building or a wall which fronts a highway in a Conservation Area or WHS is not permitted development. It simply indicates that any other solar installation on an unlisted house is permitted development, provided that, '*so far as practicable*', it is sited so as to minimise its effect on the external appearance of the building and the amenity of the area.

The result is that roof solar developments may get installed in a Conservation Area, the landscape setting of the City of Bath WHS or the Cotswolds AONB - or may have to be permitted in the WHS itself - even though they have an extremely adverse impact on the visual amenity and/or landscape setting of the area.

So, what is at risk? Quite simply, it is the conservation of our historic and natural environment - buildings, landscapes, towns and villages.

Although Conservation Areas, WHSs or AONBs are not, of themselves, considerations under current legislation, the fact that such designations are in place signals and underscores the importance of, and the need to protect, the visual amenity, the landscape setting and the character of these areas.

This importance is spelled out clearly in B&NES Local Plan and draft Core Strategy policies; and also, of course, in the NPPF - a 2012 policy framework produced by the DCLG, the very same government department which sponsored the 2011 Order concerning solar developments, which I have just mentioned.

I wish to make two proposals to B&NES, as the Local Planning Authority, although I should emphasise that the issues here are not simply 'planning matters' but are significant quality of life considerations for the years ahead.

My proposals to B&NES are:

First, in line with the current 2011 legislation, to require that all proposed solar developments on unlisted houses are subject to rigorous appraisal of all practicable options concerning the precise location of solar equipment on a property, *as the law requires*. It is especially important that this should be the case in environmentally sensitive areas.

Great weight must be given to the spirit and letter of the 'practicability' conditions, to ensure that these areas are protected and conserved, as required by B&NES policies and the NPPF.

In Conservation Areas, in particular, the balance of environmental advantage will often lie decisively in ensuring that solar equipment is located in such a way that its installation is not at the expense of unacceptable visual intrusion.

Secondly, for B&NES to make representations to the Government, urging Ministers to strengthen the 2011 legislation so that it ensures that there are adequate safeguards for the visual amenity of environmentally sensitive areas, as required by B&NES policies and the NPPF and that, in particular, the installation of solar equipment in a Conservation Area requires planning permission.

Success in these two matters should help to ensure that a proper balance is struck between environmental gains from solar developments on unlisted houses and conservation of B&NES historic and natural environment. There would then be a much better chance of ensuring that their spirit of place endures.

Thank you.

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