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Require the Secretary of State to extend permitted development status to small renewable energy developments and issue guidance to planning authorities in connection with such developments; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to amend Permitted Development Order

- (1) The Secretary of State shall by order amend Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) to provide that a “small renewable energy development” is classed as a permitted development within the meaning of that Order. 5
- (2) A development is a “small renewable energy development” if it meets the criteria set out in subsections (3) and (4).
- (3) The first criterion is that the source of energy or the technology is one of the following— 10
- (a) photovoltaics;
 - (b) wind;
 - (c) solar power;
 - (d) water;
 - (e) biomass.
- (4) The second criterion is that the capacity of the development is the generation of electricity of such maximum amount as the Secretary of State shall (subject to subsection (5)) determine. 15
- (5) Before determining a maximum amount for the purposes of subsection (4) the Secretary of State shall— 20
- (a) consult bodies representing local authorities and such other persons as he considers appropriate; and
 - (b) satisfy himself that the visual and noise effects of developments of or below the maximum capacity to be determined are either—

- (i) minimal; or
 - (ii) no greater than those created by other developments already afforded permitted development status.
 - (6) In making an order under subsection (1), the Secretary of State may make provision about conditions relating to the environmental impact of a small renewable energy development that need to be met in order for it to be classed as a permitted development, including, in particular, provision about limiting—
 - (a) visual appearance, and
 - (b) noise.
 - (7) The power of the Secretary of State to make an order under this section is exercisable by statutory instrument.
 - (8) An order under this section shall be laid before Parliament after being made and is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (9) In this section “permitted development” means development permitted under the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) and “permitted development status” shall be construed accordingly.
- 2 Guidance**
- (1) The Secretary of State shall, within 12 months of the passing of this Act, issue guidance to all planning authorities specifying ways in which they might encourage, promote and facilitate small renewable energy developments.
 - (2) In this section—
 - “planning authority” has the same meaning as in section 1 of the Town and Country Planning Act 1990 (c. 8);
 - “small renewable energy developments” shall be construed in accordance with the provisions of section 1.
- 3 Short title and extent**
- (1) This Act may be cited as the Small Renewable Energy Developments (Permitted Development) Act 2005.
 - (2) This Act extends to England and Wales only.

Small Renewable Energy Developments (Permitted Development) Bill

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*Presented by Mr David Drew
supported by
Mr David Chaytor, Alan Simpson,
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Mr John Horam, Mr Simon Thomas,
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