CONSULTATION RESPONSE FORM

Consultation on Planning Standards for Permitted Development Installations of Air Source Heat Pumps

Thank you for taking the time to comment on this consultation. MCS values the input from all interested parties in the development of its Scheme as, without you, we would not be able to define and raise the quality of installations. We would be grateful if you could use this form for your response which helps with collation and consideration of responses.

Responses are welcome to all, or a selection of, the consultation questions included in this consultation document on the MCS website. General feedback is also welcome. Please submit responses by 26 January 2024 to consultations@mcscertified.com or The MCS Service Company Ltd, Violet 3, First Floor, Sci-Tech Daresbury, Keckwick Lane, Daresbury, Cheshire, WA4 4AB. Please state below whether you are responding as an individual or representing the views of an organisation and if you want the information that you provide to be treated as confidential.

Respondent Name:	Individual or organisation:	Organisation name (if applicable):	Organisation type:
Redacted	Individual		

Date
7/1/2024

Consultation Questions

Current Clauses in MCS 020

1.1 Are there any circumstances (e.g. distance to nearest property) that could mean a noise assessment is not necessary to meet the conditions in Permitted Development Rights?

No. If the noise assessment is sufficiently simple (and perhaps includes a > xxx distance option) then this is not a limitation

1.2 Contractors are required to obtain the A-weighted sound power level of the heat pump from manufacturer's data to calculate heat pump noise. To avoid confusion over which value for sound power level should be used, we propose having a single database to obtain the sound power level, for example the MCS Product Directory, instead of the manufacturer's data. Do you agree with this proposal, if so, where should the information be held?

It would definitely be advantageous to have a single point of reference for the definitive sound power. Some manufacturers (eg LG) quote more than one value (LG quotes a 'rated sound power' and a 'daytime maximum'), which am I supposed to use?

The MCS product directory would be a good place for this data to be held, provided it

a. remains accessible to all *and*
b. data for heat pump models which become obsolete remains accessible for at least 25 years (ie the maximum likely lifetime of the pump) in case of later challenge eg by new neighbours

1.3 The methodology requires contractors to establish whether there is a solid barrier between the heat pump and the assessment position. We intend to clarify what can and cannot be considered a solid barrier. In this respect, what types of barriers (e.g. different types of fence panels, walls, hedges) are likely to be encountered when installing heat pumps on domestic properties?

Fence panels of various typoes, solid, punctuated, of various thicknesses, single and double sided
Trellis
Walls,
Hedges
Flower beds
Tall Planters & shrub containers
Sound insulating panels
Custom made panels constructed from wood and other materials
Composites of the above

Clarification is welcome but MUST include a means to determine, eg by analogy, types of barrier which are NOT covered in any list provided, there are bound to be some which are sui generis

1.4 The current background noise assumption used in the methodology is 40dB. We are proposing to maintain this assumption for urban areas but decrease the background noise assumption to 35dB for rural areas. To determine whether an area is rural or urban, we propose using this postcode lookup tool. Do you agree with this method? Are there other considerations we should make in determining whether a domestic property is in an urban or rural area?

Currently steps 7-10 in the assessment procedure add no value, it would be simpler to specify a maximum value at step 6 and stop there. Thus this must first be addressed. Steps 7-10 *might* make some sense if the rationale for the 42dB limit were explained, which currently it isn't, although it would remain the case that the actual steps are not necessary a limit could simply be stated at step 6.

If another assumption about background noise is added, its utility depends on what happens with the 42dB limit. Would that remain (in which case the maximum allowable noise from the heat pump would increase in rural areas), or would there be a different limit in stage 10.

It should also be remembered that not all heat pumps installations are under permitted development (for reasons which are not to do with noise) and it would help greatly if MCS-020 had the confidence of Local Planning Authorities so that this methodology could be applied to the noise assessment *even when a pump is installed under express consent.* Currently it does not have the confidence of LPAs (the recent MUHCLG consultation proves this, and my LPA has essentially dismissed it). If the rationale behind the targets were clearer, then it might stand a greater chance of gaining their confidence.

In summary this needs to be thought through much more clearly and the rationale properly explained in MCS-020 itself, before another background noise value is added.

To the narrow question of using postcode to determine urban vs rural, its probably as good as anything else, but again there needs to be some rationale and evidence that it is appropriate to gain the confidence of LPAs.

Additional Noise Clauses in MIS 3005-I

2.1 What steps could be considered appropriate to strengthen the requirements in the Heat Pump Installation Standard to ensure the acoustic impact of heat pumps on domestic properties is minimised? For example, should we consider orientation, location, avoiding reflective surfaces, the use of anti-vibration mats or other steps, and how?

The noise requirement as set out in steps 1-10 should be sufficient alone and *nothing* should be added which could lead to confusion as to which requirements apply. Its important to bear in mind that MCS is a legal document which determines whether a particular heat pump installation has consent under permitted development or

not, and thus it must be precise. Otherwise enforcement action could follow and the contractor and/or householder forced to defend their position in court based on confused requirements.

Adding other guidance in the way you suggests risks confusing the requirement. It would therefore be better IMHO not to add it. However if you insist on adding it then it should be made clear that this is guidance only and that THE noise criterion for permitted development is the calculation AND NOTHING ELSE.

Multiple Heat Pumps in the Curtilage of a Property

3.1 Are there any circumstances where it would not be appropriate to install multiple cascaded heat pumps on the same property? For example, due to the heat load or system design to the property, or the location of the property?

Quite possibly, and there are *definitely* circumstances where a solution comprising part air to water and part air to air would be appropriate. For example in smallr open plan houses (or a larger passivehaus) a cheap A2A downstairs, taking the background heating load, and a small A2W upstairs and for the DHW, is a very good match. Many people on forums in which I have participate have implemented something like this; and it should, ideally, be covered.

3.2 The proposed methodology would likely be based on a spreadsheet in order to make calculations simpler for installers on-site, but is there additional benefits to making a paper-based methodology available too?

I have no view, this is for installers to answer. However if the methodology is spreadsheet based the spreadsheet must be made available to anyone (as it is at present).

Multiple Heat Pumps in a Neighbourhood

4.1 What methods could be sued to determine the number and relative positioning (both distance and angles) of heat pumps already installed or likely to be installed in a neighbourhood?

I think this is a challenging problem which needs some careful thought, consultation, and scenario testing.

The rules might be based on broad categories – for example my property, which might be described as suburban (not rural but not urban) has only two properties , one either side, which would 'matter' because the plots are 12m wide. Other properties will have near neighbours to the rear and front, and there will be buildings with multiple occupance (eg flats, terraces) which have many more nearest neighbours, and areas where tall locks are densely packed. These all potentially represent different cases requiring different rules to ensure that development is not frustrated whilst at the same time protecting amenity. Furthermore the more densely populated areas tend to be noiser, so the additional noise from heat pumps may be of lesser concern.

Perhaps a methodology could be developed based on 'properties within (say) 15m '. This corresponds to an attenuation due to distance alone of 30dB, sufficient to reduce the noise of any reasonable heat pump below any of the assumed background levels. Some allowance could be made for these.

However it is important not to do this in a way which effectively prevents heat pump installation in densely populated areas, so careful thought, scenario testing and consultation is required before this is deployed.

4.2 What precautions should be taken to avoid raising background noise above agreed levels when multiple heat pumps are being installed in a given area?

See above

Additional comments

a) According to MCS-020 'Habitable room' means a room other than a bathroom, shower room, water closet or kitchen. I asked some months ago whether a 'utility room' qualified as a habitable room and was told, quite logically, that it did not. I was also told that the next version of MCS-020 would address this. The position as regards halls, vestibules, en-suites, etc is unclear, and what about conservatories, sports rooms, home cinemas etc? This definition needs updating to be clear how rooms in which people do not dwell or which are naturally noisy are to be assessed. Again I refer to the fact that MCS-020 is a *legal document* on which contractors and householders are relying to determine whether a development is permitted, and on the basis of which they could be subject to enforcement action. It must therefore be precise.

b) MCS-020 defines an 'Assessment Position' as 'a position one metre external to the centre point of any door or window to a habitable room of a neighbouring property as measured perpendicular to the plane of the door or window'. Based on this definition, each assessment position is a single point in space, which, in almost all practical circumstances, will lie in 'free air' and therefore cannot be precisely identified by visual inspection.

Note 5 (Barriers) requires that the MCS assessor determine whether he or she can 'see' the assessment position from the top edge of the ASHP, or at points 25cm in any direction from the top or sides of the ASHP. It further states that 'If it is possible for an MCS Contractor to see *any part* of an assessment position from the top or side edges of the air source heat pump no attenuation may be assumed.'

This presents two problems:

1. The term 'any part' makes no sense in relation to a single point in space. It should be deleted or explained
2. Given that, in almost all practical cases, assessment positions will not be visually identifiable (because they are a location in free space), how is the MCS contractor expected to verify that he/she can or cannot see it? Given that there is no right of access to the neighbouring property it cannot be assumed that a marker can temporarily be placed at the assessment position. Obviously it is in principle possible to work it out from dimensioned drawings, but I have yet to encounter an MCS contractor who suggests that this should be done, and the burden of doing it this way is quite considerable.

c) MCS-020 defines the MCS planning standards (which must be met if a development is to fall within PD rules – see Town and Country Planning (General Permitted Development) (England) Order 2015) in a way which includes

a) a noise specification
b) the requirement that the installation be done to MCS standards
c) the requirement that the installation be done by an MCS installer

b) & c) cover technical details of the installation which do not affect the external appearance or people other than the end customer/householder in any way. Thus they have no place in planning legislation, which is concerned solely about the affect of any development on others. They may well fit into building regulations, consumer law or the requirements for government grants but certainly not into *planning legislation*. They should therefore be removed from MCS020 as they have no place here.