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PLANNING STATEMENT:

FOLLOWING THE PROVISIONAL ACCEPTANCE OF A INDUSTRIAL PROPERTY FOR FREE SOLAR PV PANELS

PERMITTED DEVELOPMENT (LAWFUL USE CERTIFICATE)

The roof will be used as a means to support solar panels which will generate electricity. In accordance with General Permitted Development Order 2010 Amendment [Part 8, Class A: "Industrial and Warehouse Development"], there will only be development to a property that does not involve the creation of additional floor space and this will be the installation of solar panels on the roof space of the property for the use of generating electricity.

By consensus and definition, development is considered to be any active strategy to create value in a property or specific area and since construction/ building is not taking place in the sense of assembling infrastructure, the installation of solar PV falls under development and would therefore be classed as an "alteration". The alteration of an industrial building is a Permitted Development, so long as:

- The PV is not installed within 5m of the property boundary.
- The PV does not increase the building height by more than 5m, if within 10m of a legal boundary.
- The PV does not increase the building height to be more than any other building within the curtilage or 15m.
- The building is not within the curtilage of a listed building.

There is no mention of how a Conservation Area or Area of Outstanding Natural Beauty influence Permitted Development rights. It should also be noted that this application for solar PV should not be confused with Class B of Permitted Development, because development is not carried out for the purpose of an industrial process as this process remains the same regardless of the application of solar panels, which only serve to provide electricity for the building. The industrial process and solar panels are mutually exclusive because one does not affect or change the mechanics of the other.

In support of our application for planning, Freetricity Commercial Ltd. also refers you to the following example piece of legislation in the provision of Permitted Development by the government for the installation of solar panels to industrial buildings in the country:

Planning Policy Statement 18 (Renewable Energy)

F12. "The technology will be familiar to most and from the planning point of view, whilst there are clearly implications for listed buildings and the sensitive front elevations of some conservation areas, in general 'solar panels' are to be encouraged. In many cases involving dwelling houses, provided the building is not a listed building, or in a conservation area and the installation complies with the relevant constraints, PV will be 'permitted development' and is thus deemed not to require a planning application."

For the application of Permitted Development, Freetricity Commercial Ltd. recognises that the relevant industrial building(s) must be of no particular architectural note to the extent of being Listed and there should be no significant impact on its appearance or the amenities of neighbours. If the premises are in a Conservation Area, Freetricity Commercial Ltd. will attempt to conceal the panels as much as is reasonably possible from a public highway view.

NON-PERMITTED DEVELOPMENT (FULL PLANNING)

In the case of development which may fall short of the above criteria, an application for full planning may be preferred by the Local Planning Authority, in which case the following legislation would be adhered to by Freetricity Commercial Ltd. and the Local Planning Authority:

Planning Policy Statement 5: Planning for the Historic Environment

"HE1.1 Local planning authorities should identify opportunities to mitigate, and adapt to, the effects of climate change when devising policies and making decisions relating to heritage assets by seeking the reuse and, where appropriate, the modification of heritage assets so as to reduce carbon emissions and secure sustainable development. Opportunities to adapt heritage assets include enhancing energy efficiency, improving resilience to the effects of a changing climate, allowing greater use of renewable energy and allowing for the sustainable use of water. Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.

HE1.2 Where proposals that are promoted for their contribution to mitigating climate change have a potentially negative effect on heritage assets, local planning authorities should, prior to determination, and ideally during pre-application discussions, help the applicant to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting."

There is no change in the structural integrity of the building by way of demolition or damage in fixing the panels to the roof, as the panels are held in place by brackets which are either supported by the roof surface or non-penetrating through the breathable roofing membrane. Therefore, no roof materials and finishes will change. As a result, planning should be in favour of solar photovoltaic panels.

ADDITIONAL SUPORTING LEGISLATION (BOTH PLANNING TYPES)

Planning Policy Statement 22: Renewable Energy – Government Objectives

"Increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

– social progress which recognises the needs of everyone – by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;

– effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;

– prudent use of natural resources – by reducing the nation's reliance on everdiminishing supplies of fossil fuels; and,

– maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies."
(p.6)

Planning Policy Statement 21 (Policy CTY1 [Development in the Countryside – Non-Residential Development])

"Planning permission will be granted for non-residential development in the countryside in the following cases: …renewable energy projects in accordance with PPS18".
(p.12)

The works are not intended to be permanent, due to the fact that the installation has a guaranteed lifespan of 25 years, after which period of time the installation is likely to be removed shortly thereafter.

Planning Policy Statement 1: Delivering Sustainable Development

Local planning authorities should *"seek to promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)".*
(s. 22, p.9)

The relevant Local Planning Authority will be supplied with regular supporting documentation, primarily the location plan with legal boundary, and any other plans available to Freetricity Commercial Ltd., such as desktop survey site plans with proposed arrays, model specifications, and design and access statement with sample photos, which may be submitted in due course in order to assist planning officers in deciding the proposal. However, it is understood that the Planning Portal tends to only set out "Mandatory Documentation" as Evidence to Verify Application and the Location Plan for Lawful Use Certificate, and the additional inclusion of a Site Plan for Full Planning. With these criteria fulfilled, renewable energy development rights should be acknowledged upon our reasonable request.

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