



Report to Planning Committee 18 January 2024

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Report Summary	
Report Title	Permitted Development Rights: Solar and Telecommunications Masts
Purpose of Report	To set before Planning Committee the latest permitted development right.
Recommendations	The contents of the report and the permitted development right changes to be noted.

1.0 Background

- 1.1 On 28 February 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on 4 proposals concerning 1) permitted development rights relating to recreational campsites, 2) renewable energy, 3) electric charge vehicle points and 4) film-making.
- 1.2 A paper was presented to Planning Committee on 20 April 2023 setting out the Council's response to this consultation. The Government has issued, on the 28th November 2023, a new Statutory Instrument 2023 No. 1279 ([The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023](#)) setting out permitted development rights relating to 2) above, in addition to amendments to the telecommunications permitted development right and extensions to schools, colleges, universities, prisons and hospitals. The amended legislation came into force on 21st December 2023. Members will recollect a report presented to Planning Committee on 10th August in relation to 1) and 4) above.

2.0 Detail

- 2.1 Solar on Domestic Premises – Schedule 2, Part 14, Class A allows the installation of solar photovoltaic equipment and solar thermal equipment to a flat roof. When the site is within a conservation area, prior approval is required from the Council, as Local Planning Authority, in respect to the impact of the appearance of the solar PV or thermal equipment on that land.

- 2.2 Stand Alone Solar on Domestic Premises - Schedule 2, Part 14, Class B permit stand-alone solar equipment in a conservation area where the solar equipment is closer to a highway than the part of the premises nearest the highway. The maximum height of the solar equipment permitted is up to 2 metres along with a requirement to seek prior approval from the Council, as Local Planning Authority, in respect to the appearance of the stand-alone solar on the conservation area.
- 2.3 Solar on Non-domestic premises - Schedule 2, Part 14, Class J allows for the development of solar equipment on a roof slope fronting a highway on conservation area land and removes the 1 megawatt capacity threshold for the installation of solar PV.
- 2.4 Stand-alone Solar on Non-Domestic Premises - Schedule 2, Part 14, Class K permits stand-alone solar equipment on conservation area land where the solar equipment is closer to a highway than the part of the premises nearest the highway. The maximum height of the solar equipment permitted is up to 2 metres along with a requirement to seek prior approval from the Council, as Local Planning Authority, to the impact of the appearance of the equipment on the conservation area.
- 2.5 Installation, Alteration and Replacement of a Solar Canopy on Non-domestic, Off-Street Parking - Schedule 2, Part 14, Class OA is subject to various limitations, including that no part of the development may exceed 4 metres in height or be within 10 metres of the curtilage of a dwellinghouse or block of flats. There is a requirement to seek prior approval from the Council, as Local Planning Authority, in respect to the canopy's siting, design and external appearance, in particular the impact of glare on the occupiers of neighbouring premises and within conservation areas, the impact of the appearance of the solar canopy on that land.
- 2.6 Electronic Communications Code Operators - Schedule 2, Part 16, Class A is amended to limit some of the conditions to ground-based masts, ensure that height calculations for masts exclude any antennas, and adjust the definitions of "safeguarding map" and "small cell system".
- 2.7 Extensions etc for Schools, Colleges, Universities, Prisons and Hospitals –Additional requirements are inserted including the requirement for the developer to assess the contamination and flood risks of the site. They are also required to confirm that development will not take place on land used as a playing field. When the site is within Flood Zone 3, there is a duty on the Environment Agency to respond to consultations.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/permited-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation)

(The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023)