

# **APPENDIX 1 - LOCAL DEVELOPMENT ORDER FOR THE INSTALLATION OF SOLAR PANELS ON BUILDINGS IN THE LONDON BOROUGH OF HAMMERSMITH & FULHAM**

This Local Development Order is made under the provisions as set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **1. INTRODUCTION**

1.1. The Local Development Order is made on **XX day of XXXX 2024.**

## **2. BUILDINGS COVERED BY THE ORDER**

2.1. The Order covers the following buildings the borough of Hammersmith & Fulham:

- a) Any building within area shown in the map attached to this Order in Appendix 1, excluding any listed building;
- b) Any building within the area shown in the map attached to this Order in Appendix 1, excluding those buildings listed in Schedule 1 of this Order.**

## **3. DESCRIPTION OF THE CONSENTED WORKS**

3.1. The installation of microgeneration solar PV panels and associated equipment. The Order does not grant consent for associated works that may be necessary for the installation of solar panels and associated equipment. This includes the lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the Local Planning Authority.

3.2. Consent is granted subject to the following conditions:

- i) the solar PV panels are to be installed on a roof structure;
- ii) the solar PV panels would protrude no more than 0.2 metres beyond the plane of the roof when measured from the perpendicular with the external surface of the roof;
- iii) no part of the solar PV panels would be higher than the highest part of the roof, excluding chimneys, except on flat roofs where the solar

PV panels may protrude no more than 0.2 metres beyond the external surface of the roof;

- iv) the solar PV array is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- v) the solar PV array is, so far as practicable, sited so as to minimise its effect on the amenity of the area;
- vi) details of the position, size, fixing, colour and finish of the solar PV array and associated equipment shall be submitted to and approved in writing by the Local Planning Authority within 28 days prior to the commencement of works;
- vii) the solar PV equipment is removed as soon as reasonably practicable when no longer needed. Any necessary works of making good shall be finished to return the building to its original condition.

#### **4. STATEMENT OF REASONS**

- 4.1. The primary aim of this LDO is to encourage greater take up of renewable technology amongst property owners in the borough. This will increase the sustainability of the borough's building stock by reducing greenhouse gas emissions and reducing reliance on the national grid. At present, the majority of greenhouse gas emissions in the borough come from buildings.
- 4.2. The Order will apply to both domestic and non-domestic buildings, ensuring that all property owners in the borough have equal opportunity to make their properties as sustainable as possible, reduce emissions, and benefit from sustainable technology.
- 4.3. The LDO will offer certainty of outcome for property owners by removing the need to obtain planning permission or prior approval where permitted development rights exist. This will assist the Council and community in delivering green energy facilities while retaining important safeguards to ensure that there are no adverse impacts as a result of installation. Importantly, the LDO removes significant barriers for installing solar equipment in conservation areas.
- 4.4. The LDO does not apply to listed buildings. Owners of listed buildings will still be required to submit an application for full planning permission to the Council when wishing to install solar equipment. The Council is bringing forward a separate Local Listed Building Consent Order (LLBCO) alongside this Order to remove the need for Listed Building Consent when installing solar equipment to remove some of the barriers facing the owners of listed buildings.

## **5. JUSTIFICATION FOR MAKING THE ORDER**

- 5.1. The Council wishes to encourage the installation of solar panels in the borough without having the barrier of the planning system to discourage their installation. It is recognised that their installation on buildings across the whole of the borough would align with the Council's climate goals.

## **6. PURPOSE OF THE ORDER**

- 6.1. In 2019 the Council declared a climate and ecological emergency, setting an ambitious target to reach net zero carbon emissions by 2030 for the borough. It is the goal of the Council to achieve a clean and sustainable future in which human activity works to the benefit of all people and the environment. The best possible health, wellbeing and quality of life for all our residents.
- 6.2. The majority of roofs in the borough are clad in slates or tiles, with some lead roofs. There are now well-established methods for fixing solar panels through permitted development rights, however the Council believes that it is possible to encourage greater take up of this technology through an LDO that removes all remaining barriers for property owners.
- 6.3. The condition requiring approval of details of the position, fixing, size, colour and finish is intended to ensure that there are no adverse impacts arising from installation. While this condition does require the submission of some information to the Council for approval, the process of approving a condition or a Certificate of Lawful Works is much simpler than gaining full planning permission or prior approval. For that reason, it is considered that a reasonable balance has been achieved between a more permissive approach to these works and control of detailed matters of design.

## **7. LIFETIME OF THE ORDER**

- 7.1. The Order is granted for a period of ten (10) years following the day of its adoption, and will expire following this period. The order will cease to apply on the day following the tenth anniversary of its adoption.
- 7.2. The Council reserves the right to revoke or revise the Order at any time during its lifetime.
- 7.3. Development which has commenced under the provisions of the Order will be allowed to be completed in the event that the Order is revoked, revised, or expires.
- 7.4. On the expiration of the Order, the Council will either:

- a) Extend the Order;
- b) Revise and re-issue the Order; or
- c) Return to the established national planning regime.

## **8. OTHER PARTICULARS**

- 8.1. This Order does not remove the requirement for consents required under other legislation, such as building regulations and Listed Building Consent.
- 8.2. Existing permitted development rights are not affected by the Order.
- 8.3. The Council will review the operation of the Order on an annual basis, both quantitatively, in terms of the instances of solar equipment installed under its provisions, and qualitatively, in terms of the effects on the borough. If at any time during the life of the Order it is considered that it is either ineffective in encouraging use of solar panels or is giving rise to unexpected and unacceptable harm, regardless of nature, it will be varied or revoked.
- 8.4. Should the Council choose to review the Order at any point prior to the end date given above, any works authorised by the Order which have been started but not completed may be completed within six months of the date of revocation. Works which have been started but not completed at the end date given above may also be completed within six months of that date. However, once the Order expires or is revoked, any works previously covered by the Order which have not been started, will no longer benefit from the consent granted through the Order.
- 8.5. If at the end of the term of the Order it is considered that it is operating effectively and does not give rise to undue harm, it will be renewed, and a longer term considered.
- 8.6. The Order confers planning permission for the works specified in section 3 of the Order. A breach of the Order by carrying out works not authorised by the Order will be subject to enforcement action.

## **Schedule 1 – Buildings excluded from the Order**

The following buildings and structures are excluded from the Order:

**NONE**

**Appendix 1 – Area covered by the Order**

**MAP SHOWING EXTENT OF ORDER**