



# Solar Panels

Local Development Order (1)

Adopted April 2012

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## Appendix A:

Plan showing LDO boundary and Listed Buildings  
& Conservation Areas within the boundary



## 1. Introduction

- 1.1 Enterprise Zones were announced by the Government in the March 2011 budget. The aim of Enterprise Zones is to stimulate private sector growth by reducing burdens for businesses. The specific benefits announced include:
  - A business rate discount worth up to £275,000 per business over a five year period for new businesses;
  - A simplified planning approach; and
  - Measures to ensure superfast broadband is rolled out
- 1.2 Enterprise Zones are selected and administered by Local Enterprise Partnerships (LEPs) and Aire Valley Leeds was selected as the Enterprise Zone candidate for the Leeds City Region LEP. The Government confirmed in July 2011 that Aire Valley Leeds was approved as one of the 22 areas in the country to benefit from Enterprise Zone status. The Enterprise Zone will commence on 1st April 2012 for an initial period of three years to 31st March 2015.
- 1.3 Aire Valley Leeds is located in the south east of Leeds within the urban area and along both sides of the River Aire Corridor extending from the heart of the city centre to the M1 motorway and beyond. The Enterprise Zone incorporates four major development sites within Aire Valley Leeds which front onto the new East Leeds Link Road (A63) which opened in 2009. These are the sites that are eligible for business rates relief. Together the sites provide 142 hectares of development land suitable for office, research & development, industrial and distribution uses.
- 1.4 All of the sites within the Aire Valley Leeds Enterprise Zone will benefit from a simplified planning approach, predominantly through the use of Local Development Orders (LDOs). Leeds City Council will prepare a series of LDOs across a range of themes covering different types of development. Together these LDOs will simplify planning requirements not only on the Enterprise Zone sites but over a wider area of Aire Valley Leeds.
- 1.5 This LDO covers one of those themes and sets out the details of solar panels which will be permitted on the roofs of non-domestic buildings within the wider Aire Valley area.



## 2. Simplified Planning in Enterprise Zones

- 2.1 Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning and speeding up the planning process. The government advise that the approach taken to simplified planning should be ambitious and developed with consideration for what will genuinely benefit growth and attract private sector investment to Enterprise Zones. In order to simplify planning the government promotes the use of LDOs.
- 2.2 LDOs are an existing part of the planning system falling under the provisions of the Town & Country Planning Act 1990, as amended. LDOs were introduced by the Planning and Compulsory Purchase Act 2004 and commenced in 2006 and were amended by the Planning Act 2008. The detailed legal provisions for LDOs are contained in Article 34 and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 which came into force in October 2010.
- 2.3 LDOs grant planning permission for the type of development specified in the Order, and by doing so, remove the need for a planning application to be made. If development complies with the requirements of the LDO it can be implemented immediately. The Local Planning Authority has the right to apply conditions on the LDO similar to those that might be applied to a planning permission. Conditions ensure that the development is acceptable in planning terms.
- 2.4 The Government has produced a guidance note for local planning authorities to support the preparation of LDOs. This advises local planning authorities to avoid any conditions which are not absolutely essential to make the resultant developments acceptable in planning terms. The guidance also stresses the importance of minimising displacement i.e. businesses moving onto the Enterprise Zone sites from nearby areas stifling development in those areas. It confirms that the boundaries of LDOs do not have to match those of the sites subject to business rates relief and local planning authorities should look for opportunities to bring the benefits of planning simplification to a wider area.
- 2.5 The scope and detail of the LDOs for the Aire Valley Enterprise Zone have been worked up having due regard to advice contained in the guidance.



### 3. Aire Valley Leeds

- 3.1 The Lower Aire Valley is a major economic development opportunity for Leeds City Region. In total it extends to over 1,300 hectares and contains some 400 hectares of land available for development in the short to medium term. Aire Valley Leeds is identified within regional and local strategic plans as a focus for future economic growth for Leeds and the City Region. It will provide opportunities for continued and sustainable employment growth for the region for years to come. The Enterprise Zone will provide a catalyst for development in the short term and will help to deliver the long term vision for this area of Leeds.

#### Urban Eco Settlement

- 3.2 The unique selling point for Aire Valley Leeds remains the delivery of a sustainable new district for the city delivering growth through an additional 30-40,000 jobs and up to 10,000 new homes. This is reflected in the granting of Urban Eco Settlement status for the area by the City Region. The Enterprise Zone in the Aire Valley Leeds will promote sustainable development in support of the Urban Eco Settlement by seeking the delivery of commercial areas which have a high quality environment with green infrastructure, carbon efficient buildings and energy production; low carbon and green businesses and a sustainable transport system.

#### Aire Valley Leeds Area Action Plan

- 3.3 Leeds City Council is preparing an area action plan for the Aire Valley Leeds. This document will have development plan status as part of the Leeds Local Development Framework when adopted. It has been out to previous rounds of consultation and is programmed to be published in draft form in Autumn 2012 with a view to adoption during 2013.



## 4. Aire Valley Leeds Enterprise Zone Local Development Order (1): Solar Panels

- 4.1 Leeds City Council make the following Local Development Order to commence on 1st April 2012:

### Part A1: Permitted Development

This Local Development Order (LDO) hereby grants planning permission for the installation, alteration or replacement of the following types of solar panels on any non-domestic building within the Aire Valley Leeds area as indicated on the plan shown in Appendix A:

- (a) Roof mounted solar photovoltaic (solar PV) and/or solar thermal panels and supporting equipment on pitched roofs subject to the following conditions:
  - i) No panels or equipment shall project beyond the limits of the roofline in any direction.
  - ii) No panels or equipment shall protrude more than 200mm above the roof plane.
- (b) Roof mounted solar photovoltaic (solar PV) and/or solar thermal panels and supporting equipment on flat roofs subject to the following conditions.
  - i) No panels or supporting equipment shall project higher than 1.5 metres from the roof (allowing for panels to be raised at an angle).
  - ii) No panels or supporting structures shall be located less than 1 metre from the edge of the roofline in any direction when measured in a straight line.

### Part A2: Development not permitted

- (a) Part A1 of this order does not apply to the installation, alteration or replacement of solar panels on:
  - i) Buildings within conservation areas.
  - ii) Listed buildings and buildings within the curtilage of a listed building.
  - iii) Buildings within Registered Historic Parks and Gardens

### Lifetime of the Local Development Order

- 4.2 The LDO, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of the order.
- 4.3 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised or expires.
- 4.4 On expiration of this LDO, the local planning authority will either:
- (a) Extend the life of the order for an additional time period:
  - (b) Revise the order and re-issue for a specific time period: or
  - (c) Return to the established planning system.

### Compliance with the Local Development Order

- 4.5 The LDO will be subject to continuous monitoring to assess its effectiveness. In order to monitor the effect of the LDO, any business/developer wishing to install solar panels under the provision of this LDO shall be required to complete a monitoring form (available from the Council's website) to be sent to the Council upon completion of development. This form requires the following information on the development in question:
- Property address
  - Types of development (e.g. solar PV, solar thermal etc)
  - Brief description of development (area m<sup>2</sup>)
  - Installation capacity (KW)

### Informatives

- 4.6 The LDO does not remove the requirement for consents obtained under other legislation, such as Building Regulations.
- 4.7 The LDO does not prevent development taking place which is not explicitly covered by the order. Where this applies a planning application for such development would need to be made through the standard planning application process.
- 4.8 The existing permitted development rights that a building/site benefits from are not affected by the LDO.





## 5. Statement of Reasons

### Description of Development Permitted by this Local Development Order

- 5.1 The Local Development Order (LDO) would grant planning permission for the installation of solar panels to the roofs of any non-domestic building within a defined area (see attached map), subject to conditions.

### Justification for creating this Local Development Order

- 5.2 The primary aim of the LDO is to encourage the uptake in micro renewable technology amongst businesses and on community buildings. This would help to lower business running costs, reduce the reliance on the national grid for energy needs and lower greenhouse gas emissions into the atmosphere.
- 5.3 The LDO will offer certainty of outcome for the owner by reducing the requirement to obtain planning permission. It will ensure that the planning system will assist the aspirations of the Council and wider community to deliver green energy facilities within the area, whilst retaining important safeguards over the appearance of the new solar panel installations. Planning control would remain over applications for solar panels on listed buildings, buildings within the curtilage of listed buildings, buildings within registered historic parks and gardens and buildings within conservation areas as they are excluded from the scope of the LDO. It is considered that these measures will ensure that the LDO does not have a detrimental impact on any heritage assets. Existing conservation areas, registered historic parks and gardens and listed buildings within the LDO boundary are shown on the plan in Appendix A. If any further designations of conservation areas or listed buildings are made within the LDO boundary during the lifetime of the LDO then Part A2 of the order would apply.
- 5.4 The LDO boundary, which is significantly larger than the Enterprise Zone, would ensure that areas around the Enterprise Zone also benefit from a simplification of planning requirements. The area corresponds with the boundaries of the proposed Urban Eco Settlement (UES) which forms a key aspect of the emerging Aire Valley Leeds Area Action Plan. The UES has high aspirations for improving sustainability, developing green energy and promoting low carbon economic development. As such it makes an appropriate pilot area to focus action on. The time span of the LDO allows sufficient time for existing businesses to bring forward and implement solar panel developments.



### Statement of Policies that this Local Development Order will implement

- 5.5 The LDO is consistent with and will help deliver a number of national and local planning policies and guidance.
- 5.6 The National Planning Policy Framework which was adopted in March 2012 advises that local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise. In particular the framework states that local planning authorities should actively support energy efficiency improvements and have a positive strategy to promote renewables. The framework also advises that opportunities should also be identified where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems.
- 5.7 The LDO accords with saved Policy N54 of the Unitary Development Plan (Review 2006) and Building for Tomorrow Today (a Supplementary Planning Document) which both strongly encourage sustainable, renewable forms of energy generation. The LDO is also consistent with the environmental aspirations of several emerging Leeds Local Development Framework documents most notably the Core Strategy and Aire Valley Area Action Plan.

### Legal advice

- 5.8 The LDO complies with the requirements of current Government guidance and has been reviewed by Leeds City Council's Legal Department.

APPENDIX A  
Planning Showing LDO Boundary

