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Our Ref: PS/DB 23.237

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Dear Sir / Madam,

Town and County Planning Act 1990 (As Amended)

Lawful Development Certificate

Lawful Development Certificate for proposed installation of PV solar panels on a flat roof

Merthyr Tydfil Crown and County Court Law Courts, Glebeland Place, Merthyr Tydfil, CF47 8BU

Planning Portal reference: PP-12546389

Asbri Planning is appointed as planning agent to Tilbury Douglas to submit a lawful development certificate to Merthyr Tydfil Council in relation to the proposed installation of PV solar panels to the roof of Merthyr Tydfil Combined Courts.

It is acknowledged that the scheme does not require planning permission as the PV panels are:

- to be installed on a flat roof where the highest part of the equipment is not more than 1m above the highest part of the roof; and
- not to be within 1m of the external edge of the roof.

Nevertheless, the applicant requires a more formal decision, therefore a Lawful Development Certificate is submitted to formalise the proposed works.

Submission

The certificate has been submitted via the Planning Portal, and the submission documents are listed below:

Document/drawing	Prepared by
Application Form	Asbri Planning
Site Location Plan	Asbri Planning
PV Panel Section	

The PV System specification and quote is submitted as additional information but does not form part of the formal planning application submission.

Site Description

The application site relates to the flat roof of the Merthyr Tydfil Crown and County Court Law Courts building located in Merthyr Tydfil town centre. The site is centred on the following grid coordinates: E: 304777; N: 206311. The building measures approximately 3,184m² that equates to 0.3184 hectares. The site is surrounded by a number of non-residential buildings.

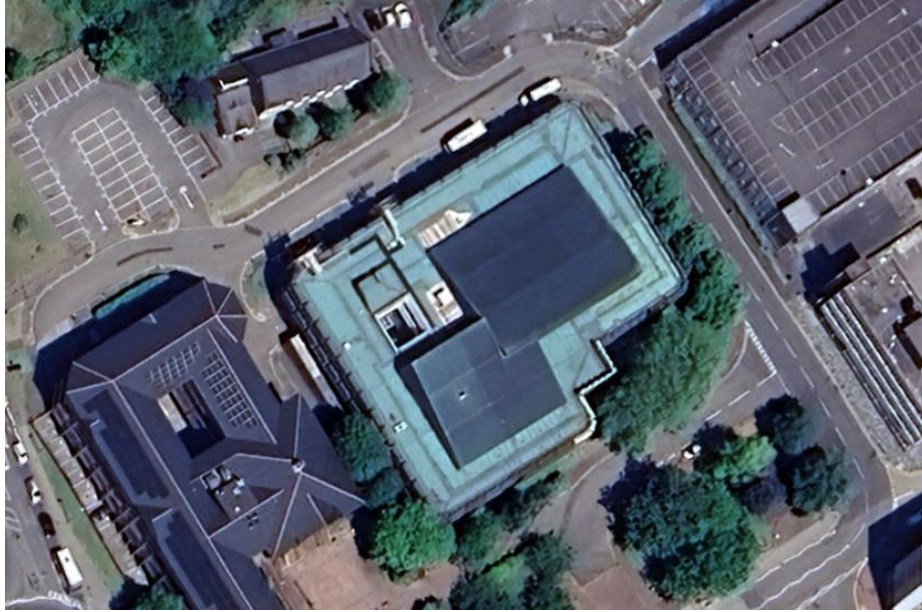


Figure: Roof as existing.

Proposals

This Lawful Development Certificate application proposes the installation of PV solar panels to the roof of Merthyr Tydfil Combined Courts. The panels are to be installed on a slope with the highest point being 317mm above the roof level. The existing parapet wall is 800mm in height. The panels are to be installed more than 1m from the parapet wall. The PV modules are made of high efficiency Mono-Crystalline. The total system has a maximum power of 75.03 kWp watts and covers an active module surface area of approximately 350m².

The proposed installation of these panels supports Welsh Government's targets of achieving net zero carbon, and assisting with their decarbonisation agenda. Below is a visual interpretation of the proposed PV panels on the roof. It must be noted that the below image shows the PV panels only and not further changes to the roof material or colour are proposed.



Figure: Roof as proposed.

Permitted Development

Class A of Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) relates to the installation, alteration, or replacement of solar PV or thermal equipment on a building other than a dwellinghouse or a block of flats. In accordance with the GPDO, development is not permitted by Class A if the proposal does not accord with any of the seven criteria discussed below:

- a) the solar PV or solar thermal equipment would be installed on a wall or pitched roof and would protrude more than 20 centimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Response: the equipment is proposed on a flat roof. Criterion (a) is therefore not applicable to the development.

- b) the solar PV or solar thermal equipment would be installed on a flat roof, and would protrude more than 1 metre above the plane of the roof;

Response: The panels are proposed to be installed on a flat roof with a parapet wall 800mm high. The panels are to be 317mm above the roof level at its highest point, and entirely below the 800mm parapet wall. As such, criterion (b) is complied with.

- c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of the roof;

Response: the equipment will not be installed within 1 metre of the external edge of the roof in accordance with criterion (c).

- d) the solar PV or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the buildings;

Response: The equipment will be installed on the roof and not the walls of the building. Criterion (d) is therefore not applicable in this case.

- e) in the case of a building on article 1(5) land or land on or within a World Heritage Site, the solar thermal equipment would be installed on a wall or roof slope which fronts a highway;

Response: The buildings are not situated on article 1(5) land, or within a World Heritage Site. Criterion (e) is therefore not applicable.

- f) the solar PV or solar thermal equipment would be installed on a building within the curtilage of a listed building;

Response: The equipment would not be installed on a building within the curtilage of a listed building or in its setting. As such, criterion (f) is not applicable.

- g) the solar PV or solar thermal equipment will not be installed on a site designated as a scheduled monument;

Response: The equipment will not be installed on a site designated as a scheduled monument. As such, criterion (g) is not applicable.

Planning Policy Framework

Legislation

In respect of national legislation, the Climate Change Act became law on the 26th of November 2008. One of the key provisions of the Act is the introduction of legally binding targets on greenhouse gas emissions comprising reductions through action in the UK, and abroad of at least 80% by 2050. Targets also include reductions in CO₂ emissions of at least 26% by 2020, against a 1990 baseline. The generation of electricity by renewable means, such as solar energy can be a key contributor towards meeting these targets. The Energy Act was made law in December 2013 and includes provision on decarbonisation and electricity market reform which comprises replacing current generation capacity and upgrading the grid to deal with rising demand.

Future Wales: The National Plan

Future Wales: The National Plan 2040 (adopted February 2021) establishes a natural framework setting the direction for development in Wales to 2040. It forms a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and well-being of our communities.

In respect of climate change, Future Wales confirms that:

"It is vital that we reduce our emissions to protect our own well-being and to demonstrate our global responsibility. Future Wales, together with Planning Policy Wales will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use, and how we live and travel."

Regarding renewable energy, Future Wales states:

"Wales can become a world leader in renewable energy technologies. Our wind and tidal resources, our potential for solar generation, our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment, and reduce carbon emissions."

Policy 17 of the Plan relates to Renewable and Low Carbon Energy and Associated Infrastructure and stipulates:

"The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales's international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency."

Future Wales separates the country into four regions. As such, the application site lies within the South East region. Policy 33 'National Growth Areas – the Valleys' of the plan is therefore applicable, which states:

"Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure."

The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys."

Planning Policy Wales

National planning policy is contained within the 11th Edition of Planning Policy Wales (PPW), published by the Welsh Government in February 2021. It constitutes guidance for Local Planning Authorities (LPAs) and decision-makers and sets out the Government's planning policies for Wales and how these are expected to be applied.

The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest which is consistent with key sustainability principles.

Sustainable development is defined as:

"Sustainable Development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs"

Section 3 – Strategic and Spatial Choices, states that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. Section 5 – Productive and Enterprising Places covers the economic components of placemaking which promote the economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. These places are designed and sited to promote healthy lifestyles and tackle climate change.

Paragraph 5.7.1 emphasises that low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen.

Paragraph 5.7.14 establishes Welsh Government's targets for the generation of renewable energy which are as follows:

- *for Wales to generate 70% of its electricity consumption from renewable energy by 2030;*
- *for one Gigawatt of renewable energy capacity in Wales to be locally owned by 2030; and*
- *for new energy projects to have at least an element of local ownership.*

Paragraph 5.7.15 goes onto state:

"The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings."

Merthyr Tydfil Replacement Local Development Plan 2016-2031

The statutory development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 comprises the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016 – 2031. It provides the local planning policy framework for the area and was adopted by Council on 29th January 2020. It is the basis for land use planning decisions in the County Borough, excluding Brecon Beacons National Park. A review of the LDP maps indicates that the site is within the Town Centre Boundary, but not within a Conservation Area. The following local development plan policy is considered to be relevant to the proposed development:

Policy EcW8: Renewable Energy

"We will support the use of renewable energy as a tangible means of reducing our local carbon footprint, where appropriate to do so. Development proposals for renewable energy will be permitted where:

- *They do not have an unacceptable landscape and visual impact, including on the setting of the Brecon Beacons National Park.*
- *There would be no unacceptable cumulative impacts in combination with existing or consented development.*
- *Satisfactory mitigation can be put in place to minimise the impacts of the renewable energy proposal and its associated infrastructure.*
- *Proposals make provision for the appropriate restoration and after-care of the land for its beneficial future re-use.*

Within the Local Search Areas (LSA), proposals for solar energy generation will be permitted subject to the above criteria. Proposals for other development within these areas will only be permitted where they can demonstrate that they would not unacceptably prejudice the renewable energy generation potential of the LSA."

Planning Considerations

This section aims to identify the main issues relevant to the consideration of the certificate of lawful development, and assess the scheme against the relevant planning policy framework. These matters are considered to be as follows:

- **The principle of development** in terms of land use planning policy and sustainable development;
- The impact of the development on the **character and appearance of the surrounding area**; and

The following observations set the context of the appraisal:

- The proposal comprises permitted development in accordance with Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). A full planning application is therefore not required.
- The proposal relates to the development of a renewable energy infrastructure scheme which will contribute to the reduction of CO₂ emissions.
- In April 2019, the Welsh Government declared a climate emergency, and as such have committed to reaching net zero greenhouse gas emissions by 2030. The proposed development will assist in achieving this goal.
- Due to the nature of solar PV installations, once installed, there will be minimal on-site activity limited to standard maintenance procedures. As such, it is considered that the proposed development will have a negligible impact on the surrounding highway network.

Principle of Development

As mentioned above, the proposal comprises permitted development in accordance with Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). The principle of development is therefore firmly established. Given that it comprises permitted development, the proposal is not required to be assessed in the same way as a full planning application. An assessment of the manner in which the proposal is deemed permitted development has been provided in the permitted development section above. Notwithstanding, a discussion of the benefits associated with the proposed development is provided below.

The increase in renewable energy generation is seen to be of paramount importance within the UK in order to reduce overall CO₂ emissions by 100% by 2050. Projects such as the subject of this application will help assist in the mitigation of climate change through the provision of an alternative energy sources to reduce the reliance of fossil fuels.

In planning terms, policy support for renewable energy projects is contained within Future Wales and Planning Policy Wales. Of particular relevance are Policy 17 (Renewable and Low Carbon Energy and Associated

Infrastructure) and paragraphs 5.7.1, 5.7.14 and 5.7.15 of PPW, which reaffirm that the overall commitment to tackle climate change and increase energy security is of paramount importance.

At the local level, the site and its surroundings are located within the settlement boundary, and are within an established area for development where development is normally permitted. The proposed development will also assist in reducing carbon emissions, and in doing so will contribute to the council's commitment to reducing their carbon footprint. In light of the above, the proposal comprises permitted development and the principle of erecting PV panels on the flat roof of the Merthyr Tydfil Crown and County Court Law Courts building is acceptable.

Character and Appearance of the Surrounding Area

The building upon which the solar panels will be installed are contemporary in design and are not afforded listed status – nor are they within a Conservation Area. This is applicable to the rest of the buildings located in the immediate vicinity. Also, the panels are visible only on the roof so the visual impact is extremely low.

As aforementioned, the proposal comprises permitted development and is therefore acceptable. As such, the development will not have an unacceptable landscape and visual impact, in accordance with the Council's Renewable Energy LDP Policy EcW8.

Conclusion

This letter has been prepared on behalf of the contractor Tilbury Douglas to accompany a certificate of lawful proposed development for the installation of PV solar panels to the flat roof of Merthyr Tydfil Combined Courts.

The proposed development comprises permitted development in accordance with Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended) and is compliant with planning policy at strategic and national levels including Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) of Future Wales and paragraph 5.7.15 of PPW. At local level, the scheme is compliant with local development plan policies EcW8.

It is therefore respectfully requested that Merthyr Tydfil County Council allow the certificate of proposed development relating to the installation of PV solar panels to the roof of Merthyr Tydfil Combined Courts. In addition, the application fee of £460.00 will be paid to Merthyr Tydfil County Council. I look forward to hearing from you, if you have any queries, please do not hesitate to contact me.

Yours sincerely,

D. Bertaggia

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Planner

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CC Tilbury Douglas