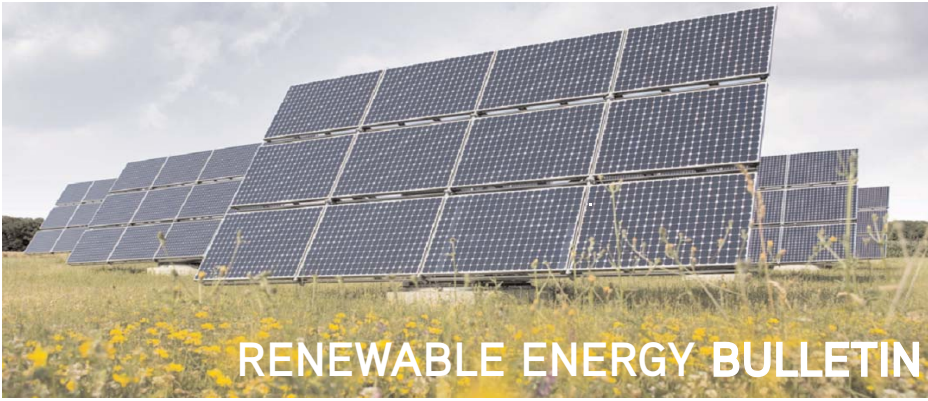




Intelligent **Transport**
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RENEWABLE ENERGY BULLETIN



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SWITCHING ON TO SOLAR PANELS - A BRIEF GUIDE TO PLANNING LAW CONSIDERATIONS FOR COMMERCIAL PROPERTY OWNERS

Solar panels are becoming increasingly common as they become more affordable and electricity prices soar. Solar panels to generate electricity, also referred to as 'solar pv' or photovoltaic, are increasingly adopted in commercial developments and installed on existing commercial property, including offices and supermarkets. This bulletin looks at some of the planning issues associated with solar pv.

Feed-In Tariff

The installation of solar panels on commercial buildings has been made more attractive by the possibility of connecting them to the local distribution network, so that surplus electricity can be 'sold-back' to the grid. On 1 April 2010, the Department of Energy and Climate Change introduced the feed-in tariff scheme (FITS), for those who generate electricity from certain specified renewable sources including solar. Those who install solar panels, will, under the provisions of the scheme, be able to enter a contract to sell the electricity they produce to a licensed electricity supplier. The supplier pays a fixed price over 25 years with increases in line with inflation. Two tariffs apply, a generation tariff for all electricity generated and an export tariff for all electricity exported to the grid. For instance, this enables tenants in an office to purchase cheaper electricity from the Landlord's solar panels and the Landlord could sell its surplus electricity to the grid.

Planning Issues

Installation of solar panels on commercial property falls outside of the domestic "permitted development" regime. A planning application is therefore required to the local planning authority. The Government's current planning policy statement (Planning Policy Statement 22: Renewable Energy) positively encourages local planning authorities to consider, with developers, opportunities for incorporating renewable energy projects such as solar panels in all new developments. The statement also stipulates that local "Development Documents" should "contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources" and "set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects".

Before making a solar panel planning application, the applicable local planning authority's specific policy on the installation of solar panels should be reviewed. In accordance with the Government's planning statement, most planning applications for solar panel installation will need to include some or all of the following information:

- the design and whether it is one module or an array;
- photographs of the surrounding environment to gauge the potential impact on amenity of local land owners;

- details as to the mounting method; and
- connection details through the building to the building's existing electrical infrastructure (and the connection to the local grid if applicable).

Please note special considerations apply to installation on listed buildings or buildings in conservation areas, where planning policy is stricter.

In November 2009 the Government did consult on changing "permitted development rights" for small-scale renewable technologies on non-domestic buildings. This consultation closed at the end of February 2010 and does not appear to have been taken forward following the general election.

If you are considering the installation of solar panels in a new development or on existing property but are uncertain of your legal position, please contact:

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We will be issuing a follow up article that deals with specific property related issues including landlord and tenant.

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