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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order primarily amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”). The GPDO provides for the granting of planning permission for certain classes of development without the requirement for a planning application to be made under Part 3 of the Town and Country Planning Act 1990 (c. 8). The classes of permission, together with their accompanying conditions, limitations and restrictions, are set out in Schedule 2 to the GPDO.

Article 3 amends Class M (extensions etc for schools, colleges, universities, prisons and hospitals) of Part 7 (non-domestic extension, alterations etc) of Schedule 2 to the GPDO. It expands the existing permitted development right to include “open prisons” as defined in paragraph M.3. The provision also introduces, for the development of open prisons, a requirement to notify the local planning authority before commencing development and to consult the Environment Agency where the development is in an area within Flood Zone 3.

Article 4 amends Class A (installation or alteration etc of solar equipment on domestic premises) of Part 14 (renewable energy) of Schedule 2 to the GPDO to allow the installation of solar photovoltaic equipment and solar thermal equipment (together “solar equipment”) on a flat roof and introduces a requirement to apply to the local planning authority for a determination as to whether its prior approval is needed where that development is on article 2(3) land (for example land within a National Park, a conservation area, an area of outstanding natural beauty, or a World Heritage Site).

Article 5 amends Class B (installation or alteration etc of stand-alone solar equipment on domestic premises) of Part 14 of Schedule 2 to the GPDO to 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. In that case, it restricts the maximum height of the solar equipment to 2 metres and introduces a requirement to apply to the local planning authority for a determination as to whether its prior approval is needed.

Article 6 amends Class J (installation or alteration etc of solar equipment on non-domestic premises) of Part 14 of Schedule 2 to the GPDO to allow the development of solar equipment on a roof slope fronting a highway on article 2(3) land and removes the 1 megawatt capacity threshold for the installation of solar PV.

Article 7 amends Class K (installation or alteration etc of stand-alone solar equipment on non-domestic premises) of Part 14 of Schedule 2 to the GPDO to permit stand-alone solar equipment on article 2(3) land where the solar equipment is closer to a highway than the part of the premises nearest the highway. In that case, it restricts the maximum height of the solar equipment to 2 metres and introduces a requirement to apply to the local planning authority for a determination as to whether its prior approval is needed.

Article 8 introduces new Class OA into Part 14 of Schedule 2 to the GPDO. Class OA permits the installation, alteration and replacement of a solar canopy on non-domestic, off-street parking. 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. Class OA contains a requirement to apply to the local planning authority for a determination as to whether its prior approval is needed.

Article 10 amends Class A (electronic communications code operators) of Part 16 (communications) of Schedule 2 to the GPDO to limit some of the conditions to ground-based masts only, ensure that

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

height calculations for masts exclude any antennas, and adjust the definitions of “safeguarding map” and “small cell system”.

Article 11 corrects an erroneous reference and amends article 22(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to include paragraph M.2(i) (iii) of Part 7 of Schedule 2 to the GPDO which places a duty on the Environment Agency to respond to consultation.

An Explanatory Memorandum is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

An impact assessment has not been produced for this instrument.