

HALO FastHub FAQ: Planning Permission

Purpose

The purpose of this document is to provide an explanation of the planning permission status of Halo FastHub units. This document is produced in good faith based on the best information available to 3ti at the time of publishing. It does not constitute planning or legal advice and is not a substitute for those with legal responsibility for doing so from seeking professional advice from their own professional advisers.

Background

Halo FastHub is a pre-fabricated structure designed to be deployed quickly, avoiding many of the usual pitfalls of planning permission, grid connections, and construction disruptions. 3ti have developed the product and rolling out units to clients.



3ti has sought advice regarding the planning permission requirements of such a solution. Planning is an inherently complex area fraught with challenges and local-authority specific interpretations. There are currently 374 Local Planning Authorities (LPAs) in England, Wales, Scotland and Northern Ireland with each nation with increasingly devolved systems.

This document summarises 3ti's current understanding of the issues around planning permission requirements for Halo FastHub and is based on advice received and the business strategy we are adopting for the deployment of Halo FastHub in the UK.

Status Quo

The requirement – or not – to apply for planning permission for Halo FastHub hinges on the definition of *Development*. The following section of the Town and Country Planning Act 1990 holds the crucial definition: <https://www.legislation.gov.uk/ukpga/1990/8/section/55>

Based on these definitions it's not immediately clear if Halo FastHub falls under the legal definition of *development* or not. If it does, other parts of the act make it clear that:

- It is not covered by *standard* Permitted Development rules – it is too large.
- It could not be considered a Temporary Structure – which is limited to 28 days¹.

Thus, if installing a Halo FastHub is considered *development*, a planning application is necessary. If it is not, then no planning permission is necessary.

Unfortunately, there is no meaningful, timely or statutory mechanism applicable across all LPAs by which it is possible to obtain a definitive answer to the question of whether installing Halo FastHub is, or is not, *development*.

In December 2023, the planning act was amended to incorporate additional provisions enabling Solar PV installations to be considered *permitted* development, see section 14 Class J , K and OA:

<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/14>

Under these rules, Solar PV can be installed on don-domestic premises under permitted development rules subject to certain exclusions. Halo FastHub's design includes overhangs > 0.5m which excludes it from Class J (rooftop), and total dimensions > 3m which excludes it from Class K (stand-alone).

However, Halo FastHub does appear to meet the rules class OA (Off-street Parking), *unless* it is used for advertising (e.g. display screens). There are additional exclusions regarding proximity from flats, property boundaries, listed buildings and monuments.

Planning Permission strategies

The following are possible strategies that might be considered:

- a. Install a Halo FastHub without planning permission, and in the event of a subsequent challenge or enforcement action from the LPA, appeal it in court and attempt to establish case precedent.

This is, obviously, a risky position to take as a business especially, as it could result in a ruling that planning is required and the application of punitive measures as a result. It also, effectively, starts the planning process on a "combative" footing which will do little to win friends – particularly when for 3ti, local authorities themselves are potential customers for

¹ Halo FastHub *could* be considered a temporary structure if it remains in place for longer than 28 days if it is installed for the duration of construction works for developments covered by existing planning permission.

Halo FastHub.

- b. Apply for a Certificate of Lawfulness, which will confirm that the specific LPA believe that planning either is not required, or that it is covered by permitted development rules (as Class OA) at the specific location.

This takes as much time as planning permission and needs to be repeated for each installation, which may result in a response that planning permission is needed causing further delays.

- c. To just apply for planning permission, and if permission is not granted appeal the decision on the grounds than Halo FastHub is either not *development* or, if it is, that it is covered by the new *permitted development* rules.

Approach b) and c) above, both involve an application to the LPA, which will take around 6-8 weeks for a response. Approach b) then risks a further 6-8 weeks delay if the LPA determine planning permission *is* required.

In the opinion of 3ti's advisors:

- It is highly unlikely that any LPA is going to respond to say planning permission is not required, as this means setting a precedent which no longer requires their decision. Even if they did, this decision would only apply to a specific LPA.
- Similarly, LPAs are unlikely to respond to a planning application indicating it is covered by Permitted Development rules unless we apply for a certificate of lawfulness as with approach b), which then carries the risk of further delays and establishing a precedent that Halo FastHub is, indeed, considered *development*.
- It is similarly unlikely LPAs will deny a full planning application, as there are very few grounds on which to do so for a clean energy product which is targeted at commercial, industrial and destination car parking.

To date, 3ti have completed 12 Halo FastHub installations in various local authorities without a single rejected, or queried, planning application.

Recommended approach

3ti consequently advocate approach c) - apply for planning - starting the process as early as possible.

Planning applications of this nature are straightforward and can be undertaken by 3ti on behalf of clients wishing to deploy Halo FastHub units. Although not strictly necessary, 3ti request a Letter of Authority from the client to provide assurance that we are acting in good faith with consent from the landowner.

It is possible for planning applications to be submitted retrospectively, or for units to be deployed whilst waiting for planning permission to be granted. This carries the risk that planning permission is

not granted and, if unsuccessful at appeal, the unit may have to be removed again. The nature of Halo FastHub makes this approach comparatively simple and inexpensive compared to fixed infrastructure solutions and this should be considered on a case-by-case basis.

3ti's expectation is that LPAs will simply grant planning permission, as they have for the all Halo FastHub installations to date - including those applied for retrospectively. Each granted application helps spread awareness of Halo FastHub amongst LPAs, building a compelling body of evidence to support future applications and/or appeals, should they become necessary.

Current Version (as amended): 17th July 2024