

# **Analysis of Responses to Consultation on Phase 1 of The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR)**

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# Contents

Executive Summary	i
1 Introduction	1
2 Digital Telecoms Infrastructure	4
3 Agricultural Developments	49
4 Peatland Restoration	91
5 Development Related to Active Travel	109
6 SEA and Assessment of Impacts	128
Annex 1 Organisations responding to the consultation	133
Annex 2 Abbreviations used	135

# Executive Summary

This report presents analysis of responses to a public consultation on phase 1 of the Scottish Government's programme to review and extend Permitted Development Rights (PDR). The consultation sought views proposals for changes and extensions to PDR for four development types: digital telecommunications infrastructure, agricultural developments, peatland restoration, and developments relating to active travel. The final number of submissions received was 119, of which 61 were from groups or organisations and 58 from individual members of the public.

## Digital Telecoms Infrastructure

Proposals for the extension of PDR for digital telecoms infrastructure related to existing and replacement ground-based masts, antennas and small cell systems, equipment housing cabinets and other equipment on buildings, and underground equipment. A total of 42 respondents answered questions relating to these proposals.

*Ground-based masts.* In relation to new ground-based masts, 77% of those answering agreed with proposals to increase the permitted height to 30 metres outside designated areas. In relation to existing ground-based masts, views were divided on proposals to increase the permitted height to 30 metres or a 50% increase on the original mast (52% agreed, 48% disagreed), most (64%) disagreed with proposals to allow existing masts of more than 30 metres to be increased up to 50 metres, and views were divided on proposals to allow existing masts of more than 50 metres to be increased by up to 20% (56% agreed and 44% disagreed). Views were also divided on proposals to permit an increase in the width of existing masts of up to 2 metres or 50% of the original width (56% agreed and 44% disagreed). The majority (71%) of respondents agreed with proposals for any height or width increase within a designated area to be subject to prior notification/prior approval.

*Replacement masts.* A large majority (88%) of respondents agreed with proposals to increase the maximum distance that replacement masts may be from their original location from 6 metres to 10 metres, outside designated areas. A similarly large majority (89%) agreed with proposals to retain the current 6 metre limit in designated areas.

*Mitigating potential impacts on safeguarded sites.* All of those answering the question agreed with proposals to retain the current approach to new or modified masts on safeguarding sites, including requirements to notify the relevant body.

*Antenna Systems.* A large majority (83%) of respondents agreed with proposals for PDR for antenna systems on buildings outside designated areas. Views were divided on proposals to extend this PDR to all or some designated areas (44% agreed and 56% disagreed). If PDR were to be extended to designated areas, respondents suggested a number of potential controls. These included prior notification/ prior approval (although some felt that prior notification alone would not offer sufficient protection), allowing PDR only where apparatus has been previously installed, and ensuring that Listed Buildings Consent supersedes any PDR. Conservation Areas, World Heritage Sites and Category A listed buildings and scheduled monuments were identified as being in particular need of additional protections.

*Small Cell Systems.* A large majority (91%) of respondents agreed with proposals to extend PDR to small cell systems on dwellinghouses (in addition to PDR for small antennas). Respondents made a number of suggestions for limits on PDR for small cell systems, the most common being that these should be in line with existing PDR for small antenna on dwellinghouses. Some respondents also suggested additional controls for small cell systems in designated areas, primarily relating to the size of apparatus, the number of apparatus on a building, and placement of apparatus (i.e. not on primary elevations). The most common control mechanism suggested was prior notification/ prior approval, although some expressed concerns about the resources required to support this process, and whether it would limit the benefits of PDR in terms of achieving a more efficient planning system.

*Equipment housing cabinets.* Views were divided on proposals to extend existing PDR in designated areas to allow new equipment housing up to 2.5 cubic metres; for ground-based cabinets 50% agreed and 50% disagreed, for cabinets on buildings 54% agreed and 46% disagreed. Most respondents agreed that any PDR for equipment housing in designated areas should be subject to prior notification/ prior approval; 70% agreed for ground-based cabinets and 73% agreed for cabinets on buildings.

*Other apparatus on buildings.* Views were divided on proposals for PDR for other apparatus to be extended to designated areas, beyond the current 'like for like' permission (46% agreed and 54% disagreed). Most respondents (60%) agreed that any new PDR for other apparatus in designated areas should be subject to limits and restrictions, and most (68%) agreed that any such PDR should be subject to prior notification/ prior approval.

*Underground equipment.* Respondents suggested a number of designated areas where they considered that PDR for underground development could be extended. These suggestions were conservation areas, National Scenic Areas, National Parks, World Heritage Sites, Category A listed buildings and scheduled monuments, and historic gardens and designed landscapes. Suggestions for designated areas where it was felt that PDR cannot be extended were World Heritage Sites, historic gardens and designed landscape, natural heritage and habitat sites such as SSSIs and European Sites, scheduled monuments and Class A listed buildings, and scheduled monuments and historic battlefields.

## **Agricultural Developments**

Proposals for the extension of PDR for agricultural developments related to larger agricultural buildings, conversion of agricultural buildings to residential or flexible commercial use, and conversion of forestry buildings, and included proposals to clarify the planning status of polytunnels. A total of 48 respondents answered questions relating to these proposals.

*Larger agricultural buildings.* The majority (75%) of respondents agreed with proposals to increase the maximum ground area of agricultural buildings that may be constructed under Class 18 PDR. A large majority (90%) agreed with the retention of other existing conditions and limitations on Class 18 PDR. The majority (70%) of respondents disagreed with the increased size limit being applied in designated areas. Most respondents (69%) agreed with proposals to increase the size of extension or alteration permitted for agricultural or forestry buildings without prior approval. Views were divided on proposals to discourage developers from erecting new agricultural buildings for the sole purpose of future conversion (47% agreed and 53% disagreed).

*Conversion of agricultural buildings to residential use.* The majority (73%) of respondents disagreed with PDR for conversion of agricultural buildings to residential use. Views were divided on whether any such PDR should be subject to prior notification/ prior approval (54% agreed and 46% disagreed), and most (65%) disagreed with the proposed range of matters to be considered by this process. The majority (71%) disagreed with the proposed maximum number and size of residential units that may be developed under the PDR, and a large majority (89%) agreed with proposed protection for listed buildings and scheduled monuments. Views were divided on proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them for residential use (58% agreed and 42% disagreed).

*Conversion of agricultural buildings to flexible commercial use.* Views were divided on the proposed new PDR for conversion of agricultural buildings to flexible commercial use (43% agreed and 57% disagreed), and on the proposed cumulative maximum floorspace for change of use (47% agreed and 53% disagreed). Views were also divided on proposals for the new PDR to be subject to a prior notification/ prior approval process where the floorspace changing use exceeds 150sqm (52% agreed and 48% disagreed), and with the proposed range of matters to be considered by this process (42% agreed and 58% disagreed). The great majority (96%) of respondents agreed with the proposed protection for listed buildings and scheduled monuments. Most respondents (61%) agreed with proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them to commercial use.

*Conversion of Forestry Buildings.* Views were divided on proposals to take forward separate PDR for the conversion of forestry buildings to residential and commercial uses (45% agreed and 55% disagreed). Most respondents (61%) disagreed with proposals for the PDR to be subject to the same conditions and limits proposed for conversion of agricultural buildings.

*Polytunnels.* A large majority of respondents (89%) agreed with the proposed approach to providing greater clarity as to the planning status of polytunnels.

## **Peatland Restoration**

Proposals relating to PDR for peatland restoration were intended to provide clarity on the planning position for peatland restoration projects, with questions focused on definitions, the basic grant of planning permission, and restrictions and conditions that apply. A total of 33 respondents answered questions relating to these proposals.

*General approach and defining PDR for Peatland Restoration.* A large majority (96%) agreed with the proposed general approach, and a large majority (83%) agreed with this approach relying on a general understanding of what will constitute peatland. Most (68%) agreed with a blanket PDR for 'peatland restoration'.

*Conditions and restrictions on PDR for Peatland Restoration.* Most respondents (63%) agreed that there is no need for additional controls on PDR for peatland restoration projects in designated areas, as they will likely be subject to oversight from Peatland Action or validation under the Peatland Code. Most (61%) agreed that there should be PDR for new temporary access tracks as necessary to carry out peatland restoration projects, and most (61%) agreed that PDR should only apply to projects approved for Scottish Government funds. A large majority (80%) agreed that PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the site, and a large majority (96%) also agreed that the PDR should not permit extraction of peat outside the restoration site or for removal of peat from the site.

## Development Related to Active Travel

Proposals relating to active travel focused on the extension of PDR for storage sheds/structures for bikes in the front or side gardens of domestic properties, in private gardens of flats and within the grounds of offices, commercial and industrial buildings. A total of 86 respondents answered questions relating to these proposals.

*Storage for bicycles: houses.* The majority (72%) of respondents agreed with proposals to allow the erection of a cycle store (up to 1.2m height, 2m width and 1.5m depth) in the front or side garden of a house. Views were divided on proposals to permit cycle stores up to 1.2m height, 2m width and 1m depth in conservation areas (55% agreed and 45% disagreed). Most respondents (68%) disagreed that any such extension of PDR in conservation areas should be subject to a restriction on materials. A large majority (88%) agreed with proposals to increase the permitted floorspace of storage sheds allowed in the rear garden of houses in conservation areas.

*Storage for bicycles: flats.* A large majority (87%) of respondents agreed with proposals to allow the erection of a cycle store in the private garden area of a flat, including in conservation areas. The majority (77%) of respondents agreed with proposals to permit cycle stores sufficient to accommodate two bikes per flat to the rear of larger blocks of flats, including in conservation areas.

*Storage for bicycles: other locations.* The great majority (95%) of respondents agreed with PDR for the erection of cycle stores for offices, commercial and industrial buildings. A large majority (88%) agreed with PDR for the erection of cycle stores on streets. Views were divided on proposed restrictions to the size and number of on-street cycle stores (51% agreed and 49% disagreed). The majority of respondents (70%) agreed with PDR for on-street cycle stores being allowed in conservation areas.

## SEA and Assessment of Impacts

The final section of the consultation sought views on the Update to the 2019 Sustainability Appraisal, incorporating additional assessment of Phase 1 proposals, on the partial and draft impact assessments accompanying the proposals, and asked for any additional information sources that could inform the final impact assessments.

Seven respondents provided comment on the *Update to the 2019 Sustainability Appraisal*. This included suggestions that the Update is missing crucial assessment of potential cumulative, secondary or synergistic effects, and lacked the level of detail presented in the 2019 Sustainability Appraisal. Some also suggested that a substantial range of queried 2019 findings remained unchanged, and wished to see an explanation of how it was concluded that the original 2019 findings remained appropriate.

Nine respondents provided comment on the partial and draft impact assessments. In relation to the *Business and Regulatory Impact Assessment (BRIA)*, there were concerns that the cost/benefit assessment does not take account of proposals for some development types to still be subject to prior notification/ prior approval processes. This included concern that the reduction in fee income would increase cost pressures and is contrary to Scottish Government aspirations that local authorities move to full cost recovery. In relation to the *Fairer Scotland Duty Assessment*, it was suggested that proposals for PDR for agricultural development represent a significant shift away from a plan-led approach to managing rural development, and concerns were expressed that prior notification/ prior approval would be insufficient to ensure proper scrutiny.

# 1 Introduction

- 1.1 This report presents analysis of responses to a public consultation on phase 1 of the Scottish Government's programme to review and extend Permitted Development Rights (PDR).

## Background

- 1.2 Typically applied to minor or uncontroversial developments or changes to existing development, PDR remove the need to apply for planning permission and are intended to reflect cases where refusal of planning permission is highly unlikely, such that consideration by the planning authority is unlikely to add value. In this way, PDR can increase efficiency across the planning system, reducing the burden on planning authorities and applicants, and allowing planning officers to focus on developments where they can add most value.
- 1.3 PDR have been a feature of the planning system in Scotland for several decades, with permitted development types set out in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Although legislation has been amended in recent years, PDR remains an area of relatively complex 'micro level' regulation. This is reflected in the 2016 report of an Independent Panel review of the planning system, Empowering Planning to Deliver Great Places. The Panel saw significant scope to remove uncontroversial minor developments from the planning system and potential to further incentivise developments which support policy aspirations such as low carbon living and digital infrastructure, and contribute to wider Scottish Government strategic objectives.
- 1.4 The Independent Panel report included a specific recommendation for review of PDR to identify potential for significant expansion. In response, the Scottish Government asked Heads of Planning Scotland (HOPS) to consider the role and operation of PDR in the planning system, and to make specific recommendations for change. HOPS concurred with the Independent Panel regarding the need for reform to legislation and regulation around PDR "to reposition them in a contemporary context which also simplifies and streamlines". HOPS recommended that options for the simplification of PDR would benefit from further discussion and consultation to identify options for radical change to the role of PDR.
- 1.5 In response to the Independent Panel and HOPS, the Scottish Government identified 16 development types for further consideration of extension or other changes to PDR. A Sustainability Appraisal was undertaken to consider scope for reviewing PDR for the 16 development types, and to assess anticipated benefits and disadvantages for each. In 2019, the Scottish Government consulted on a proposed work programme for reviewing PDR in Scotland, and the Sustainability Appraisal. The work programme comprised six phases, with the 16 development types having been prioritised and assigned accordingly to the phases.
- 1.6 The work programme has subsequently been revised in light of responses to this consultation, and recognising the impact of the Covid-19 pandemic. For example, the pandemic has limited Scottish Government staffing capacity and delayed



work to take forward Phase 1 of the review of PDR, while the sequencing of development types has been amended to prioritise development that can make the greatest contribution to recovery from the pandemic.

- 1.7 The revised Phase 1 of the programme for review of PDR, and updated Sustainability Appraisal and impact assessments are the subject of the current consultation. Phase 1 of the revised work programme comprises four main development types; digital telecommunications infrastructure, agricultural developments, peatland restoration, and developments relating to active travel. The consultation paper sets out proposals for changes and extensions to PDR for each of these development types.
- 1.8 A total of 73 questions are set out in the consultation paper, most of these being closed questions which invite respondents to provide further comment where they disagree with the Scottish Government's proposal. The great majority of consultation questions relate to specific development types (28 on digital telecommunications infrastructure, 20 on agricultural developments, 11 on peatland restoration and 11 on active travel) with 3 questions relating to the Sustainability Appraisal and impact assessments. The consultation opened on 1 October and closed on 12 November 2020. The paper is available at: <https://consult.gov.scot/planning-architecture/programme-reviewing-extending-pdr/>.

### **Profile of responses**

- 1.9 In total 119 responses were received, of which 61 were from groups or organisations and 58 from individual members of the public. The 58 responses from individuals included 5 'campaign plus' responses where respondents had adapted standard text on domestic cycle storage produced by Spokes (a 'third sector – other' organisation respondent).
- 1.10 Where consent has been given to publish the response it may be found at: <https://consult.gov.scot/planning-architecture/programme-reviewing-extending-pdr/>.
- 1.11 Respondents were asked to identify whether they were responding as an individual or on behalf of a group or organisation. Group respondents were allocated to one of four broad categories (and one of 8 sub-groups) by the analysis team. A breakdown of the number of responses received by respondent type is set out in the table below, and a full list of group respondents appended to this report as Annex 1.

## Respondents by type

<b>ALL RESPONDENTS</b>	<b>119</b>
<b>Organisations</b>	<b>61</b>
Public sector	22
<i>Planning authorities</i>	16
<i>Other public bodies</i>	6
Planning and other professionals	5
Private sector	14
<i>Digital telecoms</i>	5
<i>Rural economy</i>	3
<i>Other</i>	6
Third sector	20
<i>Environment/natural heritage</i>	9
<i>Community Councils/representative groups</i>	4
<i>Other</i>	7
<b>Individuals</b>	<b>58</b>

- 1.12 Responses varied in their focus across the consultation. Most addressed only a single development type (71 of 119 respondents answered questions under one development type, most commonly those related to Active Travel), and relatively few answered questions across all four development types (19 of 119 respondents).
- 1.13 The extent to which responses focused on specific development types varied by respondent type, and generally appeared to reflect respondents' experience and expertise. For example, several respondents drew on their experience and knowledge when focusing on specific development types such as digital communications infrastructure and agricultural development. It is also notable that 49 of the 58 individual respondents were focused solely on proposals relating to Active Travel. In contrast, most public bodies and planning professionals provided responses across all four development types.

## Analysis and reporting

- 1.14 This report presents an analysis of responses received in relation to each of the consultation questions in turn. Respondents made submissions in a range of formats, some including material that did not directly address specific consultation questions. This content was analysed qualitatively under the most directly relevant part of the consultation. There was some commonality in themes raised across the consultation questions; we note where this is the case but have not repeated a full account of each theme across all questions.
- 1.15 A list of abbreviations used in the report is provided at Annex 2.

## 2 Digital Telecoms Infrastructure

- 2.1 The first development type considered by the consultation paper was digital telecoms infrastructure. The consultation paper set out specific proposals for the extension of PDR for digital telecoms infrastructure, including those relating to existing and replacement ground-based masts, antennas and small cell systems, equipment housing cabinets and other equipment on buildings, and underground equipment. A total of 28 questions were asked in relation to these proposals.

### New ground-based masts

- 2.2 The first question sought views on proposals to increase the height limit on PDR for new ground-based masts (from 25 to 30 metres). This would only apply outwith designated areas and be subject to current prior approval requirements.

**Q1. Do you agree with an increase in permitted height for new ground-based masts to 30 metres outside designated areas, subject to the existing prior approval regime on siting and appearance?**

**Q1a. If you disagree, please explain why.**

- 2.3 A total of 26 respondents answered the closed element at Question 1, including 24 organisation respondents and two individuals. Of these 26 respondents, 20 (77%) agreed with the proposal and 6 (23%) disagreed. Those disagreeing with the proposed change were four planning authorities, a private sector and a third sector respondent.

**Q1. Do you agree with an increase in permitted height for new ground-based masts to 30 metres outside designated areas, subject to the existing prior approval regime on siting and appearance?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>18</b>	<b>6</b>	<b>24</b>
<b>% of organisations</b>	<b>75%</b>	<b>25%</b>	<b>100%</b>
Public sector	8	4	12
<i>Planning authorities</i>	8	4	12
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	4	1	5
<i>Digital telecoms</i>	2	1	3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector	4	1	5
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>	1		1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>6</b>	<b>26</b>
<b>% of all respondents</b>	<b>77%</b>	<b>23%</b>	<b>100%</b>

- 2.4 A total of 21 respondents provided written comment at Question 1, including all six of those who disagreed with the proposed change, and 10 who agreed and a further five who did not answer the closed question. Those who agreed highlighted several points in support of the proposal. This included that it constituted a relatively small change to current PDR legislation, that taller ground-based masts would be important to support 5G deployment and improve rural connectivity, and that masts would still be subject to planning authority scrutiny through prior notification/approval provisions. However, most of those providing comment raised concerns or suggested amendment to the proposal.
- 2.5 Some of those providing comment suggested that masts of up to 30 metres in height could have a potentially significant negative impact on the visual amenity and quality of the local environment. This point was made primarily by planning authorities and other public bodies, and included suggestions that such masts would be incongruous in the context of typical street furniture, and could result in a significant change in the appearance and character of an area. It was also noted that an increase in mast height to 30 metres is likely to require 'bulkier' masts or masts with more significant support structures, further increasing visual impact. Reference was also made to Planning Advice Note 62 as recognising the visual impact of ground-based masts.
- 2.6 Respondents raising concerns about the visual impact of taller masts also included some who suggested that a 30 metre mast would not be acceptable in many urban or residential settings. A planning authority also noted that many current prior notification applications for masts of up to 25 metres are considered unacceptable in their design. Linked to views on the limited suitability of 30 metre masts, concern was expressed that proposals risked normalising taller masts as acceptable across a range of locations.
- 2.7 The role of prior notification/ prior approval was highlighted by some of those making comment. This included some of those expressing overall support for the proposal, who indicated that this was dependent on a robust system of prior approval and/or raised concerns regarding the adequacy of current prior approval arrangements. Others suggested that the proposed change was not required as current PDR and prior approval worked well, or that the requirement for prior approval negates the benefits of PDR in terms of efficiencies gained.
- 2.8 Respondents also suggested specific revisions, additions or alternatives to the proposals set out by the consultation document. These are summarised below.
- 30m masts to go through a formal planning process, with strong supportive advice and policy from Scottish Government a material consideration.
  - Consider establishing parity with England, with PDR for new ground-based masts in both designated and un-designated areas (subject to prior approval), for example up to 25 metres in designated areas.
  - Allow some new masts to be built under PDR without prior approval, to establish parity with fixed operators who can erect telegraph poles and other street furniture without prior approval.
  - Expansion of the current prior approval scheme to consider impacts on archaeology, environment and biodiversity.

- A requirement for prior approval from the Ministry of Defence (MOD) on ground-based masts within safeguarding zones, or creation of exclusion zones around MOD safeguarded assets.
- A requirement for consultation with relevant authorities where masts would be in close proximity to, or visible from, designated areas.

### Existing ground-based masts

2.9 In relation to existing ground-based masts, it is proposed that current PDR should be amended to increase the permitted height and width of existing masts. This included proposals for existing masts under 30 metres, 30-50 metres or more than 50 metres in height, and for an increase in width of existing masts. The PDR would continue to apply across all areas, including designated areas.

**Q2. Do you agree that existing ground based masts should be able to be increased in height up to 30 metres (i.e. the same maximum height as for new masts proposed in Q.1) and that the increase should be limited to no more than 50% of the height of the original mast (whichever is the lower)?**

**Q2a. If you disagree, please explain why.**

2.10 A total of 27 respondents answered the closed element at Question 2, including 25 organisation respondents and two individuals. Of these 27 respondents, 14 (52%) agreed with the proposal and 13 (48%) disagreed. Those disagreeing with the proposed change were seven planning authorities, four third sector respondents, a private sector respondent and a planning professional.

**Q2. Do you agree that existing ground based masts should be able to be increased in height up to 30 metres and that the increase should be limited to no more than 50% of the height of the original mast (whichever is the lower)?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>12</b>	<b>13</b>	<b>25</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	6	7	13
<i>Planning authorities</i>	6	7	13
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector	4	1	5
<i>Digital telecoms</i>	2	1	3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector	1	4	5
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>14</b>	<b>13</b>	<b>27</b>
<b>% of all respondents</b>	<b>52%</b>	<b>48%</b>	<b>100%</b>

- 2.11 A total of 26 respondents provided written comment at Question 2, including all 13 of those who disagreed with the proposed change, and eight who agreed and a further five who did not answer the closed question. Those who agreed highlighted a number of points in support of the proposal, including that proposals represented a relatively minor change which was unlikely to have a significant impact on the environment of existing masts, and could minimise the number of new masts required (for example to support 5G deployment). However, most of those providing comment raised concerns or suggested amendment to the proposal.
- 2.12 Consistent with comments at Question 1, concerns regarding the potential visual impact of masts appeared to be a key factor for those who disagreed with proposals including for a number of planning authorities. It was suggested that an increase of up to 50% in the height of an existing mast constituted a substantial change and could have a more significant impact on the visual amenity and quality of the local environment. A planning authority also noted that increasing masts to 30 metres in height could require additional support structures, further increasing visual impact.
- 2.13 Several planning authorities and third sector respondents raised specific objections to proposals applying in designated areas, and suggested that full planning scrutiny or more substantial prior approval arrangements would be required in these cases. Concerns were also raised regarding the suitability of 30 metre masts in un-designated areas. This appeared to reflect views noted above that proposals could permit a significant increase in the visual impact of existing masts with a planning authority suggesting that a significant number of existing masts in their area would not be acceptable at 30 metres.
- 2.14 Some objections to the proposed change also appeared to reflect concerns that the current prior notification scheme for alteration to existing masts does not provide sufficient opportunity to assess siting and design. However, it is also notable that a private telecoms respondent objected to the proposals as they found that current PDR for existing masts worked well.
- 2.15 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.
- Applying the prior notification/ prior approval scheme that applies to new ground-based masts where the increase in height of existing masts is greater than 20-30% and/or the mast is within a designated area.
  - Consider establishing 'buffer zones' around designated areas where development of masts and other infrastructure would have an unacceptable impact on the visual amenity of the designated landscape.
  - 'Original mast' is re-defined to refer to the current structure, where the original mast has been subject to an Amendment Order.
  - Extend PDR further to allow for shared mast structures.
  - A requirement for prior approval from the MOD for alteration to existing ground-based masts within safeguarding zones, or creation of exclusion zones around MOD safeguarded assets.

- Revision to ensure proposals do not permit erection of a small mast under PDR, and subsequent incremental increases in size while avoiding planning scrutiny.

**Q3. Do you agree that we should allow existing masts which are above 30 metres in height to be increased to up to 50 metres in height?**

**Q3a. If you disagree, please explain why.**

- 2.16 A total of 25 respondents answered the closed element at Question 3, including 23 organisation respondents and two individuals. Of these 25 respondents, nine (36%) agreed with the proposal and 16 (64%) disagreed. Those disagreeing with the proposed change were eight planning authorities, five third sector respondents, a private sector respondent, a planning professional and an individual.

**Q3. Do you agree that we should allow existing masts which are above 30 metres in height to be increased to up to 50 metres in height?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>8</b>	<b>15</b>	<b>23</b>
<b>% of organisations</b>	<b>35%</b>	<b>65%</b>	<b>100%</b>
Public sector	4	8	12
<i>Planning authorities</i>	4	8	12
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector	3	1	4
<i>Digital telecoms</i>	1	1	2
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector		5	5
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>% of individuals</b>	<b>50%</b>	<b>50%</b>	<b>100%</b>
<b>All respondents</b>	<b>9</b>	<b>16</b>	<b>25</b>
<b>% of all respondents</b>	<b>36%</b>	<b>64%</b>	<b>100%</b>

- 2.17 A total of 27 respondents provided written comment at Question 3. This included all 16 of those who disagreed with the proposed change, five who agreed, and a further six who did not answer the closed question. Those who agreed raised several points in support of the proposal, primarily that proposals could be important to support 5G deployment and improve rural connectivity. However, most of those providing comment raised concerns or suggested amendment to the proposal.
- 2.18 Again a number of these concerns reflected points raised at Questions 1 and 2. This included concerns regarding the visual impact of the increase in mast height, that such an increase was likely to require a more substantial 'lattice' structure which would further increase visual impact, and that a 50m mast would not be acceptable in many urban or residential areas. Several planning

authorities also suggested that the proposed permitted increase in height could have a significant impact on the visual amenity and quality of the local environment of existing masts. This included a suggestion that there is limited scope to mitigate the visual impact of a 50 metre mast, and reference to the proposed 20 metre increase representing a larger proportionate increase than is proposed at Question 2.

- 2.19 Some planning authorities and third sector respondents expressed particular concerns about proposals applying in designated areas. This included suggestions that full planning scrutiny should be retained. However, others felt that a sufficiently robust prior approval scheme could be sufficient to mitigate potential negative impacts, in designated and un-designated areas. This included reference to assessment of siting and appearance and potential ecological impacts, with the prior approval process proposed for new ground-based masts cited as a suitable approach. A private telecoms respondent also objected to proposals on the basis that masts of up to 50 metres are rarely required, with experience indicating that current PDR are effective where such deployments have been required.
- 2.20 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.
- Limiting the permitted percentage increase in mast height, with suggestions ranging between 20% (as proposed for masts over 50 metres) to 50% (as proposed for 30 metre masts).
  - Consider establishing 'buffer zones' around designated areas where development of masts and other infrastructure would have an unacceptable impact on the visual amenity of the designated landscape.
  - A requirement for prior approval from the MOD for alteration to existing ground-based masts within safeguarding zones, or creation of exclusion zones around MOD safeguarded assets.
  - Revision to ensure proposals do not permit erection of a small mast under PDR, and subsequent incremental increases in size while avoiding planning scrutiny.



**Q4. Do you agree that we should allow existing masts which are greater than 50 metres in height to be increased by up to 20% of the height of the original mast?**

**Q4a. If you disagree, please explain why.**

- 2.21 A total of 27 respondents answered the closed element at Question 4, including 25 organisation respondents and two individuals. Of these 27 respondents, 15 (56%) agreed with the proposal and 12 (44%) disagreed. Those disagreeing were five third sector respondents, four planning authorities, a private sector respondent, a planning professional and an individual.

**Q4. Do you agree that we should allow existing masts which are greater than 50 metres in height to be increased by up to 20% of the height of the original mast?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>14</b>	<b>11</b>	<b>25</b>
<b>% of organisations</b>	<b>56%</b>	<b>44%</b>	<b>100%</b>
Public sector	9	4	13
<i>Planning authorities</i>	8	4	12
<i>Other public bodies</i>	1		1
Planning and other professionals	1	1	2
Private sector	4	1	5
<i>Digital telecoms</i>	2	1	3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector		5	5
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>% of individuals</b>	<b>50%</b>	<b>50%</b>	<b>100%</b>
<b>All respondents</b>	<b>15</b>	<b>12</b>	<b>27</b>
<b>% of all respondents</b>	<b>56%</b>	<b>44%</b>	<b>100%</b>

- 2.22 A total of 24 respondents provided written comment at Question 4. This included 11 who disagreed with the proposed change, nine who agreed, and a further four who did not answer the closed question. Some of those who agreed with the proposed change provided comment in support of this, most commonly suggesting that a 20% increase is relatively minor, that masts of this height will have already been subject to full planning scrutiny, and that few masts of this height would be near to population centres where an increase could have a significant impact.
- 2.23 Issues cited by those opposed to the proposed change reflected a number of points raised at earlier questions. This included concerns raised by a range of respondent types regarding the visual impact and difficulty mitigating the visual impact of a mast of this height that masts of this size were likely to be of a 'bulkier' lattice structure which would further increase visual impact, and concern that a 20% increase to a mast of this size would still constitute a significant change. In addition, a planning authority noted that masts of this size are likely to

be in rural areas and as such would require careful consideration of potential landscape impacts. Some also questioned the need for masts of the proposed height, suggesting that an upper limit of 50 metres is generally applied in other European countries.

- 2.24 Also consistent with responses to earlier questions, some planning authorities and third sector respondents raised specific concerns about the potential impact of proposed changes in designated areas. These respondents highlighted the potentially significant impact of masts of this scale in sensitive landscapes, and saw a need for full planning authority scrutiny to avoid adverse impacts to ecology, landscape and built heritage. Some respondents also referred to the importance of meaningful community engagement to assess the maximum mast height that would typically be tolerated by communities. However, it should be noted that some respondents felt that a robust prior approval process should be sufficient to mitigate adverse impacts.
- 2.25 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.
- Prior approval to enable the MOD to review any increase in height of masts within safeguarding zones, or otherwise PDR not being applied within these zones.
  - Revision to ensure proposals do not permit erection of a small mast under PDR, and subsequent incremental increases in size while avoiding planning scrutiny.

**Q5. Do you agree that we should allow an increase in the width of existing masts by up to 2 metres or, if greater, one half of the width of the original mast (i.e. the increase is on the widest part of the mast and including any equipment)?**

**Q5a. If you disagree, please explain why.**

- 2.26 A total of 25 respondents answered the closed element at Question 5, including 23 organisation respondents and two individuals. Of these 25 respondents, 14 (56%) agreed with the proposal and 11 (44%) disagreed. Those disagreeing were seven planning authorities and four third sector respondents.

**Q5. Do you agree that we should allow an increase in the width of existing masts by up to 2 metres or, if greater, one half of the width of the original mast (i.e. the increase is on the widest part of the mast and including any equipment)?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>12</b>	<b>11</b>	<b>23</b>
<b>% of organisations</b>	<b>52%</b>	<b>48%</b>	<b>100%</b>
Public sector	5	7	12
<i>Planning authorities</i>	5	7	12
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	5		5
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector		4	4
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>			
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>14</b>	<b>11</b>	<b>25</b>
<b>% of all respondents</b>	<b>56%</b>	<b>44%</b>	<b>100%</b>

- 2.27 A total of 25 respondents provided written comment at Question 5. This included all 11 who disagreed with the proposed change, nine who agreed, and a further five who did not answer the closed question. Those who agreed cited a number of reasons for their support for the proposal including the importance of proposals to support the rollout of 5G (including support for more mast-sharing), that the proposed increase in width is relatively minor and can be mitigated through legislation/guidance, although some wished to see prior notification or prior approval. It was also noted that increases in mast width rarely affect the whole mast, but rather involve addition of smaller apparatus to the existing mast.
- 2.28 Consistent with responses to proposals regarding increases in mast height, concerns regarding impact on visual amenity and landscape character appeared to be a key factor for those opposed to the proposal. This included respondents noting that changes to the width of masts are likely to involve the addition of bulky headframes, exposed antennas and lattice structures that would represent a material change in appearance. A planning authority also suggested that proposals could allow increases in the height and width of masts that would together constitute a significant change.
- 2.29 Concerns regarding the potential impact of proposals included responses from a number of planning authorities and other public bodies highlighting the potential visual impact in urban and residential areas, and in designated areas with valuable built heritage such as Conservation Areas. This included suggestions that the design of wider masts are only appropriate in industrial landscapes. It was also noted that the Sustainability Appraisal identified potential negative impacts on water and soils, and suggested that these could be significant in designated areas with sensitive ecology and biodiversity.

- 2.30 On the basis of these concerns, some respondents specifically wished to see full planning scrutiny continue to apply to increases in width of existing masts. However, a public sector respondent suggested that prior notification/ prior approval processes should be sufficient to mitigate impacts, if these processes are robust and well-resourced across the country.
- 2.31 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.
- Clarification of what is defined as the 'original' mast, and specifically to prevent incremental increases in size avoiding planning scrutiny.
  - Prior approval to enable the MOD to review any increase in width of masts within safeguarding zones, or otherwise creation of an exclusion zone around these zones.

**Q6. Do you agree that any height or width increase within a designated area should be subject to prior notification/prior approval in order that visual impacts can be assessed?**

**Q6a. If you disagree, please explain why.**

- 2.32 A total of 28 respondents answered the closed element at Question 6, including 26 organisation respondents and two individuals. Of these 28 respondents, 20 (71%) agreed with the proposal and eight (29%) disagreed. Those disagreeing were three planning authorities, three third sector and two private sector respondents.

**Q6. Do you agree that any height or width increase within a designated area should be subject to prior notification/prior approval in order that visual impacts can be assessed?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>18</b>	<b>8</b>	<b>26</b>
<b>% of organisations</b>	<b>69%</b>	<b>31%</b>	<b>100%</b>
Public sector	11	3	14
<i>Planning authorities</i>	10	3	13
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	3	2	5
<i>Digital telecoms</i>	1	2	3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector	2	3	5
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>8</b>	<b>28</b>
<b>% of all respondents</b>	<b>71%</b>	<b>29%</b>	<b>100%</b>

- 2.33 A total of 22 respondents provided written comment at Question 6. This included all eight of those who disagreed with the proposed change, 10 who agreed, and a further four who did not answer the closed question. Those who agreed suggested that prior notification/ prior approval would be required to ensure proper consideration and mitigation of potential impacts to the special landscape character of designated areas. This included specific reference to ensuring these processes properly consider impact on the natural and historic environment, and that this would require sufficient resourcing of planning authorities.
- 2.34 Those who disagreed included some who suggested that the full planning process was required to properly assess the impact of changes to masts in designated areas. A planning authority and a third sector respondent highlighted the importance and sensitivity of landscape in these areas. Respondents also referred to the importance of ensuring genuine community engagement as part of the assessment of impacts.

- 2.35 There was some concern expressed that prior notification/ prior approval would not be sufficient to address these concerns, and effectively mitigate against potential adverse impacts. This was a particular concern for planning authorities and third sector respondents. These respondents referred to experience of challenges engaging communities in what were seen by some as poorly understood procedures - for communities, planning authorities, operators and others. Concerns were also expressed that use of prior notification/ prior approval:
- Generates expectation from communities that they can influence the determination in the same way as a full planning application.
  - Provides insufficient detail in the consideration of issues such as ecological or archaeological.
  - Has potential to undermine planning fee income for planning authorities.
- 2.36 Other respondents, primarily digital telecoms operators, suggested that the introduction of prior notification/ prior approval would be excessive, and would effectively restrict current PDR. These respondents suggested that proposals would add unnecessary complexity to a system which they felt was operating effectively, and which already included proportionate checks and balances requiring operators to minimise impact. Concerns were also raised that prior notification/ prior approval could add to strain on planning authorities and potentially frustrate rollout of 5G. It was suggested that increase to the height and width of an existing mast remains the most visually and environmentally sensitive means of delivering necessary service improvements, and this should be reflected in PDR.

### **Replacement masts**

- 2.37 In the case of replacement masts, the current requirement is that the mast must not be situated more than 6 metres from the location of the original mast. Outside designated areas it is proposed this should be increased to 10 metres, but within designated areas the 6 metre distance would be retained.

**Q7. Do you agree that we should increase the maximum distance that replacement masts may be from their original location from 6 metres to 10 metres, outside designated areas?**

**Q7a. If you disagree, please explain why.**

- 2.38 A total of 26 respondents answered the closed element at Question 7, including 24 organisation respondents and two individuals. Of these 26 respondents, 23 (88%) agreed with the proposal and three (12%) disagreed. Those disagreeing were two third sector respondents and a planning authority.

**Q7. Do you agree that we should increase the maximum distance that replacement masts may be from their original location from 6 metres to 10 metres, outside designated areas?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>21</b>	<b>3</b>	<b>24</b>
<b>% of organisations</b>	<b>88%</b>	<b>13%</b>	<b>100%</b>
Public sector	11	1	12
<i>Planning authorities</i>	11	1	12
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	5		5
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector	3	2	5
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>23</b>	<b>3</b>	<b>26</b>
<b>% of all respondents</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>

- 2.39 A total of 18 respondents provided written comment at Question 7. This included the three respondents who disagreed with the proposed change, 12 who agreed, and a further three who did not answer the closed question. Those who agreed highlighted the potential value of the change from a technological point of view, and suggested that proposals were unlikely to have a significant impact, although some wished to see a requirement on operators to consider the visual and environmental impact.
- 2.40 Those who disagreed with the proposed change included some who highlighted potential adverse impacts. It was suggested that a relatively small change in position could nevertheless have a significant visual impact, particularly for 'bulkier' lattice structured masts. Potential for adverse impacts on undesignated heritage was also highlighted, such that archaeological assessment may be required.
- 2.41 It was suggested that prior notification/ prior approval should apply to mitigate those circumstances where the re-positioning of a mast could have significant impacts. A public sector respondent noted that this was a recommendation of the Sustainability Appraisal.
- 2.42 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.
- Clarifying proposals such that the 10 metre allowance applies from the nearest point of the existing 'site' rather than the mast, or otherwise an allowance of 15 metres from the original mast.

- Removal of any distance control for replacement masts, consistent with elsewhere in the UK, maintaining the current requirement for operators to minimise visual and environmental impact.
- A requirement for operators to reflect local concerns and aspirations when re-siting masts, and to consult with communities to identify these.
- Prior approval to enable the MOD to review any re-siting within safeguarding zones.

**Q8. Do you agree that in the case of replacement masts, in designated areas the current 6 metre distance from the original location should be retained?**

**Q8a. If you disagree, please explain why.**

2.43 A total of 28 respondents answered the closed element at Question 8, including 26 organisation respondents and two individuals. Of these 28 respondents, 25 (89%) agreed with the proposal and three (11%) disagreed. Those disagreeing were two private sector respondents and one third sector respondent.

**Q8. Do you agree that in the case of replacement masts, in designated areas the current 6 metre distance from the original location should be retained?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>23</b>	<b>3</b>	<b>26</b>
<b>% of organisations</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>
Public sector	14		14
<i>Planning authorities</i>	13		13
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	2	2	4
<i>Digital telecoms</i>	1	2	3
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	5	1	6
<i>Environment/natural heritage</i>	3	1	4
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	1		1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>3</b>	<b>28</b>
<b>% of all respondents</b>	<b>89%</b>	<b>11%</b>	<b>100%</b>

2.44 Twelve respondents provided written comment at Question 8. This included the three respondents who disagreed with the proposal, eight who agreed, and one respondent who did not answer the closed question.

2.45 Those who agreed with the retention of the current 6 metre limit on re-siting masts in designated areas included some who highlighted the greater risk of adverse impacts in these areas. This included reference to impact on built heritage, historic sites, soil and water disturbance, risk to archaeological sites, and potential visual impact on sensitive landscapes.



- 2.46 Those who disagreed suggested that increasing the distance allowed for replacement masts would be important to support digital connectivity. Respondents also noted that digital connectivity remains an essential service across designated and undesignated areas, and that the same operational issues exist across these areas. It was also suggested that additional controls within designated areas, such as Habitat Regulations and NatureScot, would be sufficient to mitigate against potential negative impacts.

### **Mitigating potential impacts on safeguarded sites on PDR for masts**

- 2.47 It was proposed that for new or modified masts on safeguarded sites, existing requirements for the operator to notify the relevant body (e.g. an airport operator or the MOD) should be retained.

#### **Q9. We propose to retain the current approach. Do you agree?**

##### **Q9a. If you disagree, please explain why.**

- 2.48 A total of 28 respondents answered the closed element at Question 9, including 26 organisation respondents and two individuals. All 28 respondents answering the question agreed with the proposal to retain the current approach.

#### **Q9. We propose to retain the current approach. Do you agree?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>26</b>	<b>0</b>	<b>26</b>
<b>% of organisations</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
Public sector	13		13
<i>Planning authorities</i>	12		12
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	6		6
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>	2		2
Third sector	5		5
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	1		1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>28</b>	<b>0</b>	<b>28</b>
<b>% of all respondents</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>

- 2.49 Twelve respondents provided written comment at Question 9. This included 11 who agreed with the proposal, and a further respondent who did not answer the closed question. These respondents cited a number of points in their support of the proposal, most commonly that the range of existing requirements and procedures are effective in ensuring bodies responsible for safeguarded areas are informed of new masts and changes to existing masts. This included responses from a number of such bodies who wished to see existing arrangements retained.

- 2.50 While no respondents disagreed with the proposal, some queries and recommendations were raised by those providing comment. This included a request for clarification regarding whether safeguarding bodies have the power to 'veto' a proposal that has been granted permission under PDR. Others made suggestions regarding procedures for consultation with safeguarding bodies, suggesting that notification of such bodies earlier in the process could be useful in identifying any issues or amendments and that planning authorities should be required to secure responses from all relevant bodies before making a determination.

### **Antenna Systems**

- 2.51 The consultation paper explained that antenna systems and dish antennas are classified as PDR provided that they meet specific criteria. New proposed limits in relation to dish antennas and other antenna systems on buildings were summarised in Table 3 of the consultation paper (as referenced at Question 10).
- 2.52 There is currently no PDR for antennas in designated areas unless in an emergency, or for the alteration or replacement of existing antennas, when the resulting apparatus would be no larger, the number of items no greater and the location substantially the same as what was there already.

**Q10. Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out (*in Table 3 below*)?**

**Q10a. If you disagree with an increase, please explain why.**

- 2.53 A total of 24 respondents answered the closed element at Question 10, including 23 organisation respondents and one individual. Of these 24 respondents, 20 (83%) agreed with the proposal and four (17%) disagreed. Those who disagreed were three planning authorities and a third sector respondent.

**Q10. Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out (*in Table 3 below*)?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>19</b>	<b>4</b>	<b>23</b>
<b>% of organisations</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>
Public sector	9	3	12
<i>Planning authorities</i>	9	3	12
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	4		4
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	4	1	5
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>	1		1
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>4</b>	<b>24</b>
<b>% of all respondents</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>

- 2.54 Thirteen respondents provided written comment at Question 10. This included all four of those who disagreed with the proposed change, seven who agreed, and a further two who did not answer the closed question. Those who agreed with the proposal included some who provided further comment in support of this. These respondents felt that the proposed changes were relatively minor, applying only outwith designated areas, and as such would be unlikely to have a significant impact. It was also suggested that the increase in diameter of dish antenna could reduce the need for additional antenna.
- 2.55 Most of those providing comment raised concerns or potential amendments for the proposed change. Those who disagreed with proposals included a planning authority who suggested that proposals were overly complex, and do not go far enough to encourage operators to consider building-mounted antenna prior to erecting new masts. This respondent indicated that in their experience building-mounted antenna have limited visual impact and rarely raise significant issues. In contrast, other public and third sector respondents opposed to proposals suggested that they could lead to significant visual impact dependent on specific building location and design, especially in light of the positioning requirements of 5G apparatus. It was also suggested that increasing the permitted number of masts risked adding to visual clutter, particular on tenements and other flatted properties. In addition, a public sector respondent noted that proposals did not include any mitigation, and as such the Scottish Government would have to satisfy itself that the benefits outweigh impacts on non-designated historic buildings and townscapes.

2.56 Respondents suggested a number of specific revisions, additions or alternatives to proposals as set out by the consultation. These are summarised below.

- Clarifying proposals where the base height of an antenna is below 15 metres, but the top of the antenna reaches beyond 15 metres.
- Re-wording of Class 67(10)(a)(i) to read “10 metres in itself” to clarify the limit of 10 metres for apparatus.
- Encouraging operators to consider options to affix antennas to existing street furniture such as lampposts and utility poles, before mounting on buildings.

**Q11. Do you agree with extending PDR for antenna systems on buildings to all or some of the designated areas to which restrictions on PDR for such infrastructure currently applies?**

**Q11a. Please indicate which designations should have extended PDR and why, or, if you disagree, please explain why.**

2.57 A total of 25 respondents answered the closed element at Question 11, including 24 organisation respondents and one individual. Of these 25 respondents, 11 (44%) agreed with the proposal and 14 (56%) disagreed. Those disagreeing included nine planning authorities, four third sector respondents and an individual.

**Q11. Do you agree with extending PDR for antenna systems on buildings to all or some of the designated areas to which restrictions on PDR for such infrastructure currently applies?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>11</b>	<b>13</b>	<b>24</b>
<b>% of organisations</b>	<b>46%</b>	<b>54%</b>	<b>100%</b>
Public sector	4	9	13
<i>Planning authorities</i>	4	9	13
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	4		4
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	1	4	5
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>11</b>	<b>14</b>	<b>25</b>
<b>% of all respondents</b>	<b>44%</b>	<b>56%</b>	<b>100%</b>

- 2.58 A total of 26 respondents provided written comment at Question 11. This included all 14 of those who disagreed with the proposed change, nine who agreed, and a further three who did not answer the closed question. Those who agreed suggested that PDR for antenna systems on buildings could be extended to some designated areas with limited risk of adverse impacts, for example where designation is not related to the quality of the built or historic environment. These respondents also noted the range of other controls in place to mitigate negative impacts, such as listed building status, although some wished to see additional prior notification/ prior approval protections in designated areas.
- 2.59 Those who disagreed with proposals most commonly referred to potential adverse impacts on sensitive landscapes and culturally significant buildings. This appeared to be a particular concern for some third sector respondents, and included reference to potential for a proliferation of antenna to have a cumulative impact on the historic and cultural character of an area. It was also suggested that, contrary to the Sustainability Appraisal, the effects of proposals in these areas may not be reversible, and could result in permanent damage to buildings and monuments.
- 2.60 Some planning authority and third sector respondents and an individual respondent wished to see installation of antennas subject to full planning scrutiny across all designated areas. These respondents suggested that this was required to ensure a proper assessment of potential adverse impacts. However, others suggested that prior notification/ prior approval would be sufficient to assess any site-specific issues. This option was supported by a range of public and private sector respondents, although some felt that prior notification/ prior approval would only be sufficient in some designated areas (i.e. where designation is not linked to built heritage).
- 2.61 Several respondents referred to the diversity of designated areas in terms of the character of buildings and townscape, and this appeared to influence those who wished to see some level of case-by-case assessment for installation of antennas. However, respondents also identified some types of designated area as potentially suitable for PDR, primarily where it was felt that the designation was less reliant on the quality of the built environment:
- Specific suggestions for designated areas where PDR could apply were National Parks, National Scenic Areas, European Sites, Sites of Special Scientific Interest (SSSIs), historic battlegrounds, historic gardens and designed landscapes.
  - Designated areas where respondents felt PDR should not be extended were Conservation Areas, Category A listed buildings, scheduled monuments, at least some World Heritage Sites, and historic gardens and designed landscapes.

**Q12. What controls should apply in designated areas for antenna systems on buildings and should there be any differentiation between area type (e.g. size and number limits, prior notification/ prior approval or greater restrictions in designations such as conservation areas and world heritage sites, to avoid any detrimental impact on the built environment in terms of any potential visual clutter etc.)?**

2.62 A total of 25 respondents provided comment at Question 12, all of these being organisations. These were 14 public sector respondents, five private sector respondents, four third sector respondents and two planning professionals.

**Q12. What controls should apply in designated areas for antenna systems on buildings and should there be any differentiation between area type?**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>25</b>	<b>36</b>	<b>61</b>
<b>% of organisations</b>	<b>41%</b>	<b>59%</b>	<b>100%</b>
Public sector	14	8	22
<i>Planning authorities</i>	13	3	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	2	3	5
Private sector	5	9	14
<i>Digital telecoms</i>	4	1	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	4	16	20
<i>Environment/natural heritage</i>	2	7	9
<i>Community Councils/representative groups</i>	1	3	4
<i>Other</i>	1	6	7
<b>Individuals</b>	<b>0</b>	<b>58</b>	<b>58</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>94</b>	<b>119</b>
<b>% of all respondents</b>	<b>21%</b>	<b>79%</b>	<b>100%</b>

2.63 A number of those making comment re-iterated their opposition to extending PDR to designated areas, and wished to see full planning control remain in place. This included planning authorities and third sector organisations. These respondents suggested that the diversity of designated areas made them unsuitable for a single set of PDR, and that full planning scrutiny is required to ensure a robust assessment of potential impacts. A planning authority specifically questioned whether prior notification/ prior approval could offer sufficient protection for sensitive designated areas. Concerns were also raised around differentiating between types of designated area, and potential for this to add unnecessary complexity to the process. It was also noted that multiple designations can apply to a single site.

2.64 Some respondents identified types of designated area where they thought additional controls would be required to avoid adverse impacts namely conservation areas, World Heritage Sites and Category A listed buildings and scheduled monuments.

2.65 Respondents suggested a number of potential mechanisms as potential controls in designated areas. These included prior notification/ prior approval (although some felt that prior notification alone would not offer sufficient protection), amending Class 67 to allow PDR only for buildings where apparatus has been previously installed, and ensuring that Listed Buildings Consent supersedes PDR and thus provides additional protection to listed buildings in designated areas. These controls were suggested as a means of placing various specific controls on installation of antennas in designated areas. These primarily related to placement of antennas, number of antennas, and size of antennas, with specific suggestions summarised below.

- Restriction on antennas being placed on principal elevations or elevations which front a road.
- Limiting the number of antennas, with suggestions of 2-3 per building.
- Limiting the size of antenna, although specific size limits were not proposed.

### **Small Cell Systems**

2.66 Small cell systems are generally deployed to add local capacity to the main radio coverage infrastructure. It is proposed that PDR should be extended to cover small cell systems (small antennas and ancillary apparatus) on dwellinghouses and on all buildings in conservation areas. This will bring these into line with other buildings as regards PDR for small cell systems.

**Q13. Do you agree that we should extend PDR to small cell systems on dwellinghouses (rather than just for small antennas)?**

**Q13a. If you disagree, please explain why.**

2.67 A total of 22 respondents answered the closed element at Question 13, including 21 organisation respondents and one individual. Of these 22 respondents, 20 (91%) agreed with the proposal and two (9%) disagreed. Those who disagreed were both third sector respondents.

**Q13. Do you agree that we should extend PDR to small cell systems on dwellinghouses (rather than just for small antennas)?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>19</b>	<b>2</b>	<b>21</b>
<b>% of organisations</b>	<b>90%</b>	<b>10%</b>	<b>100%</b>
Public sector	13		13
<i>Planning authorities</i>	13		13
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	4		4
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector		2	2
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>2</b>	<b>22</b>
<b>% of all respondents</b>	<b>91%</b>	<b>9%</b>	<b>100%</b>

- 2.68 Sixteen respondents provided written comment at Question 13. This included the two respondents who disagreed with the proposed change, 11 who agreed, and a further three who did not answer the closed question. Those who agreed with the proposal suggested that this would be important in supporting digital connectivity, while having a minor impact. Respondents also noted a number of existing controls such as Listed Buildings Consent, and felt that these would be sufficient to mitigate any adverse impacts.
- 2.69 Those who were opposed to the proposal made reference to potential adverse impacts, particularly within designated areas. This included reference to the Sustainability Appraisal having identified “significant negative potential effects on cultural heritage”. Other respondents asked for clarification of what may constitute ancillary apparatus for small cell systems, and in particular the extent to which this may have a greater visual impact, for example when compared with small antenna. In contrast, a private digital telecommunications respondent noted that allowing installation of the antenna without the ancillary equipment is inconsistent with how equipment is deployed.
- 2.70 On the basis of concerns regarding potential impact, some respondents wished to see additional controls or limitations for installation of small cell systems. Some wished to see this PDR extended only to non-designated areas and it was suggested that full planning scrutiny should remain in designated areas. Others suggested that PDR should be limited in terms of the size and placement of small cell systems, although specific proposals were not made.



**Q14. What limitations and restrictions should apply to small cell systems on dwellinghouses (e.g. smaller units, fewer in number than small antennas under PDR)?**

- 2.71 A total of 21 respondents provided a comment at Question 14, all of these being organisations. Those commenting were 12 public sector respondents, four private sector respondents, three third sector respondents and two planning professionals.

**Q14. What limitations and restrictions should apply to small cell systems on dwellinghouses (e.g. smaller units, fewer in number than small antennas under PDR)? Please explain your answer.**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>21</b>	<b>40</b>	<b>61</b>
<b>% of organisations</b>	<b>34%</b>	<b>66%</b>	<b>100%</b>
Public sector	12	10	22
<i>Planning authorities</i>	11	5	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	2	3	5
Private sector	4	10	14
<i>Digital telecoms</i>	3	2	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	3	17	20
<i>Environment/natural heritage</i>	2	7	9
<i>Community Councils/representative groups</i>	1	3	4
<i>Other</i>		7	7
<b>Individuals</b>	<b>0</b>	<b>58</b>	<b>58</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>21</b>	<b>98</b>	<b>119</b>
<b>% of all respondents</b>	<b>18%</b>	<b>82%</b>	<b>100%</b>

- 2.72 These respondents referred to a range of potential limitations on PDR for small cell systems on dwellinghouses, although few respondents provided detailed suggestions here, with some indicating that they were less familiar with small cell systems than with antenna. In this context, a planning authority suggested that PDR for small cell systems should include relatively strict limits on size, number and location, until more is known about how common they may become.
- 2.73 In terms of specific suggestions, a number of public and private sector respondents and planning professionals recommended that limitations on PDR for small cell systems should be in line with existing PDR for small antenna on dwellinghouses. This included a planning authority suggesting that small cell systems should be added to the current class for small antenna in the General Permitted Development Order (GPDO) to avoid adding unnecessary complexity.
- 2.74 Other suggestions for restriction on PDR for small cell systems were:
- A range of respondents suggested restrictions on size, including some who wished to see size limited to that permitted for small antennas.

- Restrictions on number of small cell systems were the most common recommendation, including suggestions of 1-2 per dwelling/building although again it was noted that more information was required on why a dwelling might need more than one system.
- Restrictions on the placement were most commonly related to preventing installation on public-facing elevations of dwellinghouses.
- Restrictions relating to colour and design of systems, particularly in designated areas.

2.75 Finally, some third sector respondents wished to see PDR being limited only to non-designated areas, with full planning scrutiny retained in designated areas.

**Q15. In conservation areas, what limits or requirements should apply to small cell systems on dwellinghouses and other buildings (e.g. prior notification/ prior approval to assess the visual impacts or smaller/lower limits, different provisions for dwellinghouses compared to other buildings)?**

2.76 A total of 26 respondents provided a comment at Question 15, including 25 organisations and one individual. The organisations providing comment were 14 public sector respondents, five private sector respondents, four third sector respondents and two planning professionals.

**Q15. In conservation areas, what limits or requirements should apply to small cell systems on dwellinghouses and other buildings (e.g. prior notification/prior approval to assess the visual impacts or smaller/lower limits, different provisions for dwellinghouses compared to other buildings)?**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>25</b>	<b>36</b>	<b>61</b>
<b>% of organisations</b>	<b>41%</b>	<b>59%</b>	<b>100%</b>
Public sector	14	8	22
<i>Planning authorities</i>	13	3	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	2	3	5
Private sector	5	9	14
<i>Digital telecoms</i>	4	1	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	4	16	20
<i>Environment/natural heritage</i>	2	7	9
<i>Community Councils/representative groups</i>	1	3	4
<i>Other</i>	1	6	7
<b>Individuals</b>	<b>1</b>	<b>57</b>	<b>58</b>
<b>% of individuals</b>	<b>2%</b>	<b>98%</b>	<b>100%</b>
<b>All respondents</b>	<b>26</b>	<b>93</b>	<b>119</b>
<b>% of all respondents</b>	<b>22%</b>	<b>78%</b>	<b>100%</b>

- 2.77 Respondents raised a range of issues regarding potential restrictions on PDR in conservation areas. This included reference to specific limitations, for example on number and placement of systems, and on mechanisms to implement these limitations.
- 2.78 Prior notification/ prior approval was the most common suggestion in terms of a mechanism to limit the impact of PDR in designated areas. This option was suggested by a range of public and private sector, planning professional and third sector respondents. Support for this option appeared to reflect a view that some degree of local scrutiny is required given the diversity of conservation areas and to avoid potential cumulative impacts and ‘visual clutter’. It was also suggested that prior notification/ prior approval would be more effective than seeking to apply a single set of rules or limits across all conservation areas.
- 2.79 However, some expressed concerns about potential use of prior notification/ prior approval for PDR in conservation areas. This included a planning authority noting that these procedures are relatively resource intensive for planning authorities, and suggesting that they can generate unrealistic expectations from communities about the extent to which they will be able to influence the determination. Some private sector respondents also raised concerns about the use of prior approval to limit PDR in conservation areas. It was suggested that existing checks and balances specified in Class 67 would limit use of PDR, and that the number of installations would be limited by the capacity of street furniture, and the need to secure landowner consent for installation on buildings. It was also noted that the additional resource requirements of prior approval would limit the benefits of PDR in terms of a more efficient planning system.
- 2.80 In terms of specific limitations on PDR for small cell systems in conservation areas, suggestions are summarised below:
- Several public sector, planning professional and third sector respondents wished to see clear size limits set for small cell systems, although the only specific suggestion was that these do not exceed the limits set for small antenna.
  - Similarly, a range of respondents supported limits on the number of small cell systems in conservation areas, including a suggestion of no more than one per dwelling.
  - Suggestions for limitation on placement of small cell systems were most commonly concerned with preventing installations on the frontage of buildings, or the elevation facing a public road. Other suggested limits on placement included ensuring limitations do not extend above the roofline.
- 2.81 Other limitations or amendments suggested by respondents were:
- Clarity is required regarding the definition of “any apparatus which is ancillary to that antenna”, and how any size limitations apply to this apparatus.
  - Re-wording of Class 67 is required to make clear that a small cell system may comprise more than one antenna and more than one piece of associated apparatus.

- Clarity is required regarding whether the highest part of the roof refers to the roof itself, or structures such as chimneys or existing infrastructure.
- Extending PDR for small cell systems on street lighting columns as a means of incentivising use of street furniture and minimising installation to buildings.
- Development of guidance and best practice on the design and location of small cell systems to minimise visual impact.

#### **Article 57 of EU Directive 2018/1972**

2.82 It is thought that changes to PDR for small cell systems on dwellinghouses and in conservation areas, together with general proposals for PDR for new ground based cabinets in designated areas will allow compliance with Article 57 of 18 EU Directive 2018/1972 and Commission Implementing Regulation (EU) 2020/1070.

**Q16. Do you agree that extending PDR for small cell systems as proposed and the proposed changes to PDR for new ground based cabinets in designated areas would meet the requirements of Article 57 of EU Directive 2018/1972?**

**Q16a. If you disagree, please explain why.**

2.83 A total of 15 respondents answered the closed element at Question 16, all of these being organisations. Of these 15 respondents, nine (60%) agreed with the proposal and six (40%) disagreed. Those disagreeing were three third sector respondents, a public sector respondent, a private sector respondent and a planning professional.

**Q16. Do you agree that extending PDR for small cell systems as proposed and the proposed changes to PDR for new ground based cabinets in designated areas would meet the requirements of Article 57 of EU Directive 2018/1972?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>9</b>	<b>6</b>	<b>15</b>
<b>% of organisations</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>
Public sector	5	1	6
<i>Planning authorities</i>	5	1	6
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector	3	1	4
<i>Digital telecoms</i>	3	1	4
<i>Rural economy</i>			
<i>Other</i>			
Third sector		3	3
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>			
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>9</b>	<b>6</b>	<b>15</b>
<b>% of all respondents</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>

2.84 Eleven respondents provided written comment at Question 16. This included five who disagreed with the proposal, four who agreed, and a further two who did not answer the closed question. Those who agreed that proposals would meet the requirements of Article 57 suggested that changes to PDR would not unduly restrict deployment of small cell systems in designated areas, although a private sector respondent suggested that the application of prior approval in designated areas would contravene Article 57.

2.85 It should be noted that a number of those who disagreed with or did not answer the closed question indicated that they felt unable to comment on the legal question of whether proposals met the requirements of Article 57. However, some of those who disagreed that proposals would meet Article 57 highlighted specific points for consideration:

- A private sector respondent indicated that the dimensions for small cell systems as set out in Article 57 should entail a designation of '*de minimis*'.
- Some third sector respondents suggested that, as Article 57 allows for additional protections for sensitive areas, the full planning process in designated areas already meets the requirements.
- A third sector respondent noted that Article 57 suggests existing public infrastructure should be the first option for installation of small cell systems, and suggested that PDR for installation to buildings undermines this.

**Q17. Are there any other potential amendments, comments or observations you wish to make in relation to potential changes to PDR that you consider necessary to be compliant with the requirements of Article 57 of EU Directive 2018/1972?**

2.86 Two respondents (a planning authority and a planning professional) indicated that they had other amendments, comments or observations to make in relation to compliance with Article 57.

**Q17. Are there any other potential amendments, comments or observations you wish to make in relation to potential changes to PDR that you consider necessary to be compliant with the requirements of Article 57 of EU Directive 2018/1972?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>2</b>	<b>14</b>	<b>16</b>
<b>% of organisations</b>	<b>13%</b>	<b>88%</b>	<b>100%</b>
Public sector	1	7	8
<i>Planning authorities</i>	1	7	8
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector		2	2
<i>Digital telecoms</i>		2	2
<i>Rural economy</i>			
<i>Other</i>			
Third sector		4	4
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>2</b>	<b>14</b>	<b>16</b>
<b>% of all respondents</b>	<b>13%</b>	<b>88%</b>	<b>100%</b>

2.87 In fact, six respondents provided a written comment at Question 17. A planning authority noted that while not related to the PDR, small cell systems may require Listed Building Consent separately if the development would be located on a listed building and is considered to materially affect its special character and appearance. Two third sector respondents suggested that Scotland is already compliant with Article 57.

### **Equipment housing cabinets (ground based)**

2.88 Although there are no plans to increase PDR for ground-based equipment housing, outside designated areas, extending existing PDR in designated areas is being considered.

**Q18. Do you agree that we should extend existing PDR in designated areas to allow for new equipment housing up to 2.5 cubic metres volume?**

**Q18a. If you disagree, please explain why.**

2.89 A total of 26 respondents answered the closed element at Question 18, all of these being organisations. Of these 26 respondents, 13 (50%) agreed with the proposal and 13 (50%) disagreed. Those disagreeing were seven planning authorities and six third sector respondents.

**Q18. Do you agree that we should extend existing PDR in designated areas to allow for new equipment housing up to 2.5 cubic metres volume?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>13</b>	<b>13</b>	<b>26</b>
<b>% of organisations</b>	<b>50%</b>	<b>50%</b>	<b>100%</b>
Public sector	6	7	13
<i>Planning authorities</i>	6	7	13
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	5		5
<i>Digital telecoms</i>	4		4
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector		6	6
<i>Environment/natural heritage</i>		4	4
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>13</b>	<b>13</b>	<b>26</b>
<b>% of all respondents</b>	<b>50%</b>	<b>50%</b>	<b>100%</b>

- 2.90 A total of 23 respondents provided written comment at Question 18. This included all 13 of those who disagreed with the proposed change, eight who agreed, and a further two who did not answer the closed question. Those who agreed with proposals were of the view that equipment housing was unlikely to have a significant visual impact on a designated area. It was suggested that that proposals were a proportionate balance between minimising risk of adverse impact, and supporting digital connectivity – although some felt that prior notification/ prior approval would be required to allow some local control.
- 2.91 Some of those opposed to the proposed change expressed concern regarding the potential impact on sensitive designated areas. This included suggestions that equipment installed in the vicinity of historic buildings could have a negative impact on the quality of the building, even if no apparatus is installed on the building itself. A third sector respondent also compared the proposed 2.5 cubic metre size limit to a traditional telephone box of 2 cubic metres, suggesting that apparatus of this size could have a significant impact in sensitive areas.
- 2.92 Those expressing concerns regarding potential impact noted that the degree of impact could vary across different types of designated area. Particular concern was raised regarding potential impact in conservation areas, World Heritage Sites, Category A Listed Buildings and scheduled monuments, historic gardens and designed landscapes, historic battlefields and SSSIs.
- 2.93 A number of planning authorities and third sector respondents suggested that full planning scrutiny would be required to mitigate potential negative impacts, particularly in the above noted areas. This included a view that proposals should not undermine meaningful public consultation in these cases. Others were of the view that prior notification/ prior approval would be sufficient to assess siting and

appearance of installations, including public and private sector respondents, although an other private sector respondent objected to use of prior approval.

2.94 In addition to the above comments, some respondents suggested specific amendment or addition to proposals:

- Requiring removal of any equipment housing being replaced.
- Specifying the colour of cabinets in conservation areas to align with other street furniture.
- Removing SSSI and other habitat designations from the list of limitations within Class 67, as they are subject to other statutory controls.
- Removing limitations on the volume of equipment housing where this is installed within an existing fenced compound.

**Q19. Should this be subject to prior notification/prior approval on the siting and appearance to mitigate visual impacts?**

**Q19a. If you disagree, please explain why.**

2.95 A total of 27 respondents answered the closed element at Question 19, including 26 organisation respondents and one individual. Of these 27 respondents, 19 (70%) agreed that PDR should be subject to prior notification/ prior approval, and eight (30%) disagreed. Those disagreeing were four planning authorities, two private sector and two third sector respondents.

**Q19. Should this be subject to prior notification/prior approval on the siting and appearance to mitigate visual impacts?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>18</b>	<b>8</b>	<b>26</b>
<b>% of organisations</b>	<b>69%</b>	<b>31%</b>	<b>100%</b>
Public sector	10	4	14
<i>Planning authorities</i>	9	4	13
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	3	2	5
<i>Digital telecoms</i>	2	2	4
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	3	2	5
<i>Environment/natural heritage</i>	3	1	4
<i>Community Councils/representative groups</i>			
<i>Other</i>		1	1
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>19</b>	<b>8</b>	<b>27</b>
<b>% of all respondents</b>	<b>70%</b>	<b>30%</b>	<b>100%</b>



- 2.96 A total of 20 respondents provided written comment at Question 19. This included seven who disagreed with the proposed change, 11 who agreed, and a further two who did not answer the closed question. Those who agreed commented on the importance of prior notification/ prior approval in allowing consideration of local circumstances, and potential impact on built heritage and/or ecology.
- 2.97 Those opposed to the proposal expressed a range of views on prior notification/ prior approval. Reference was made to the diversity of designated areas, and it was suggested that there are difficulties in developing a single set of rules to apply across all areas. A number of planning authorities and third sector respondents were of the view that the full planning process is necessary to allow proper consideration of location and design, and to ensure adverse visual impacts are mitigated. Some also referred to the full planning process as ensuring meaningful engagement with communities and other stakeholders. Retaining full planning scrutiny appeared to be a particular concern for the most sensitive designated areas, including reference to historic environments and where archaeological assessment may be required; it was suggested that prior notification/ prior approval may not be sufficient to mitigate adverse impacts in these areas.
- 2.98 In contrast, some private sector respondents felt that prior approval would be excessive in light of what these respondents felt was relatively low impact development, and that prior notification would be a more proportionate approach. These respondents suggested that prior approval would add delay and cost to the process, and would not represent a significant efficiency saving compared to the full planning process. Reference was also made to existing controls in designated areas and a private sector respondent recommended that supporting PDR through best practice guidance should be sufficient to avoid the need for prior approval.

**Q20. If this were to be introduced do you agree that we should differentiate between types of designated areas by, for example, having smaller size limits in conservation areas than in National Parks?**

**Q20a. If you disagree, please explain why and give your view on what limits should apply in which areas.**

- 2.99 A total of 28 respondents answered the closed element at Question 20, including 27 organisation respondents and one individual. Of these 28 respondents, 13 (46%) agreed with the proposal and 15 (54%) disagreed. Those disagreeing with the proposed change were five planning authorities, five private sector respondents, three third sector respondents, a planning professional and an individual.

**Q20. If this were to be introduced do you agree that we should differentiate between types of designated areas by, for example, having smaller size limits in conservation areas than in National Parks?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>13</b>	<b>14</b>	<b>27</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	9	5	14
<i>Planning authorities</i>	8	5	13
<i>Other public bodies</i>	1		1
Planning and other professionals	1	1	2
Private sector	1	5	6
<i>Digital telecoms</i>	1	4	5
<i>Rural economy</i>		1	1
<i>Other</i>			
Third sector	2	3	5
<i>Environment/natural heritage</i>	2	2	4
<i>Community Councils/representative groups</i>			
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>13</b>	<b>15</b>	<b>28</b>
<b>% of all respondents</b>	<b>46%</b>	<b>54%</b>	<b>100%</b>

- 2.100 A total of 24 respondents provided written comment at Question 20. This included 14 who disagreed with the proposal, nine who agreed, and a further respondent who did not answer the closed question. Those who agreed with the proposal noted that areas were designated for different reasons, and are highly varied in character, and this should be reflected in PDR.
- 2.101 Those who disagreed included planning authorities and private sector respondents who suggested that proposals would add unnecessary complexity and confusion to the planning system. It was suggested that Class 67 is already too complicated, and that proposals would undermine the aim of easing the burden on local authorities and speeding up digital infrastructure rollout. This included reference to the particular burden where authorities do not have planning officers who specialise in telecoms. It was also noted that some planning authorities have to deal with multiple overlapping designations, and suggested that these planning authorities would require clarity on which designations take precedence.
- 2.102 Concern was also raised that installation of equipment housing requires more localised consideration than a standard set of PDR rules can offer. This appeared to reflect a view that even designated areas of the same type can be highly diverse in terms of their character, and that equipment housing could have a significant impact dependent on local circumstances. Reference was made to the Sustainability Appraisal having identified “potentially significant” impacts both for built heritage (e.g. in conservation areas) and landscape/ biodiversity (e.g. in National Parks).

- 2.103 Some of those raising concerns about localised impact recommended prior notification or prior approval as a means of mitigating impact. However, others felt that the full planning process should apply in these areas to enable lower impact developments to be determined quickly, while ensuring those with potential for greater impact receive sufficient scrutiny.
- 2.104 In contrast to the above points, a private sector respondent suggested that PDR should not distinguish between designated areas, on the grounds that the need for digital connectivity applied equally across areas.
- 2.105 Comments from respondents included reference to specific types of designated area which were seen as more or less suitable for PDR. These comments are summarised below.
- It was suggested that PDR could have a lesser impact in National Parks.
  - Designated areas where concerns were raised about the impact of PDR, and a potential role for smaller size limits, were focused on built heritage designations. This included reference to conservation areas. A third sector respondent also saw a need for greater controls within nature conservation sites.

### **Equipment housing cabinets on buildings**

- 2.106 Although there are no plans to increase PDR for equipment housing on buildings outside designated areas, the Sustainability Appraisal highlighted potential changes to PDR, and whether to extend existing PDR in designated areas is being considered.

**Q21. Do you agree that we should extend PDR for new equipment housing on buildings in designated areas, with a limit on size of up to 2.5 cubic metres volume?**

**Q21a. If you disagree, please explain why.**

- 2.107 A total of 24 respondents answered the closed element at Question 21, including 23 organisation respondents and one individual. Of these 24 respondents, 13 (54%) agreed with the proposal and 11 (46%) disagreed. Those disagreeing were seven planning authorities and four third sector respondents.

**Q21. Do you agree that we should extend PDR for new equipment housing on buildings in designated areas, with a limit on size of up to 2.5 cubic metres volume?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>12</b>	<b>11</b>	<b>23</b>
<b>% of organisations</b>	<b>52%</b>	<b>48%</b>	<b>100%</b>
Public sector	5	7	12
<i>Planning authorities</i>	5	7	12
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector	4		4
<i>Digital telecoms</i>	3		3
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	1	4	5
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>13</b>	<b>11</b>	<b>24</b>
<b>% of all respondents</b>	<b>54%</b>	<b>46%</b>	<b>100%</b>

- 2.108 A total of 20 respondents provided written comment at Question 21. This included all 11 who disagreed with the proposed change, five who agreed, and a further four who did not answer the closed question. Those who agreed highlighted the importance of proposals to facilitate digital connectivity across designated areas, and to enable more shareable infrastructure, while minimising visual impact.
- 2.109 For those who disagreed with the proposal, concern regarding visual impact was the most common concern raised, particularly for planning authorities and third sector respondents. This included suggestions that the proposal constitutes a potentially significant addition to a building, with potential to cause permanent damage. This appeared to be a particular concern for designated areas with more sensitive built environment, with some suggesting that equipment housings of this volume could have a significant impact for some building designs, particularly historic buildings.
- 2.110 This concern appeared to reflect a view that the impact of equipment housing is dependent on the type of designated area. A number of planning authorities and third sector respondents suggested that a single set of rules cannot be applied across the diversity of designated areas. These respondents were of the view that full planning scrutiny is required to ensure proper assessment of local impact, to take account of cumulative visual impact, and for meaningful public consultation. However, others suggested that prior notification or prior approval should be sufficient to mitigate the impact of proposals. This included planning authority, third and private sector respondents, although another private sector respondent was of the view that prior approval would be an excessive requirement, and that prior notification would be sufficient.

**Q22. Should this be subject to prior notification/ prior approval requirements on the siting and appearance to mitigate visual impacts?**

**Q22a. If you disagree, please explain why.**

2.111 A total of 26 respondents answered the closed element at Question 22, including 24 organisation respondents and two individuals. Of these 26 respondents, 19 (73%) agreed that PDR should be subject to prior notification/ prior approval, and seven (27%) disagreed. Those disagreeing were three planning authorities, two private sector and one third sector respondent, and a planning professional.

**Q22. Should this be subject to prior notification/ prior approval requirements on the siting and appearance to mitigate visual impacts?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>17</b>	<b>7</b>	<b>24</b>
<b>% of organisations</b>	<b>71%</b>	<b>29%</b>	<b>100%</b>
Public sector	10	3	13
<i>Planning authorities</i>	9	3	12
<i>Other public bodies</i>	1		1
Planning and other professionals	1	1	2
Private sector	3	2	5
<i>Digital telecoms</i>	1	2	3
<i>Rural economy</i>	1		1
<i>Other</i>	1		1
Third sector	3	1	4
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>			
<i>Other</i>		1	1
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>19</b>	<b>7</b>	<b>26</b>
<b>% of all respondents</b>	<b>73%</b>	<b>27%</b>	<b>100%</b>

2.112 A total of 20 respondents provided written comment at Question 22. This included all seven who disagreed with the proposed change, nine who agreed, and a further four who did not answer the closed question. Consistent with comments at Question 21, those who agreed with proposals suggested that prior notification/ prior approval would be effective in mitigating potentially significant impacts associated with equipment housing.

2.113 Those who disagreed with proposals also raised a number of points noted earlier at Question 21. This included concerns around scope to apply a single set of rules across varied designated areas, and that prior notification/ prior approval may not be sufficient to mitigate adverse impacts in some circumstances. This included reference to conservation areas, Category A listed buildings and other historic buildings. These respondents felt that the full planning process is required to ensure a proper assessment of local impact, and to enable meaningful community engagement.

2.114 In contrast, some private sector respondents suggested that prior notification only should be used, and that prior approval would be excessive. These respondents referred to existing controls in Class 67 to minimise visual impact and suggested that prior notification is more in line with provisions of The Electronic Communications Code (Conditions and Restrictions) Regulations 2003.

### Other apparatus on buildings

2.115 'Other apparatus' is defined as any structure or apparatus which is ancillary or reasonably required for the construction, installation, alteration or replacement of digital communications infrastructure network. These do not have specific PDR limits in the way equipment housing and antenna systems do. It is proposed that the PDR that applies to other apparatus in designated areas should be extended.

**Q23. Do you agree that PDR for other apparatus should be extended in designated areas, beyond the basic 'like for like' alteration or replacement that currently applies?**

**Q23a. If you disagree, please explain why.**

2.116 A total of 26 respondents answered the closed element at Question 23, including 25 organisation respondents and one individual. Of these 26 respondents, 12 (46%) agreed with the proposal and 14 (54%) disagreed. Those disagreeing were eight planning authorities, four third sector respondents, a planning professional and an individual.

**Q23. Do you agree that PDR for other apparatus should be extended in designated areas, beyond the basic 'like for like' alteration or replacement that currently applies?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>12</b>	<b>13</b>	<b>25</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	4	8	12
<i>Planning authorities</i>	4	8	12
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector	6		6
<i>Digital telecoms</i>	5		5
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	1	4	5
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>12</b>	<b>14</b>	<b>26</b>
<b>% of all respondents</b>	<b>46%</b>	<b>54%</b>	<b>100%</b>

- 2.117 A total of 21 respondents provided written comment at Question 23. This included all 14 who disagreed with the proposed change, five who agreed, and a further two who did not answer the closed question. Those who agreed saw PDR as required to support digital connectivity, and to facilitate network deployment. This included a suggestion that technological advances mean like-for-like replacement may become less common.
- 2.118 Amongst those who disagreed with the proposal, a need for installations to be considered on an individual basis was the most commonly cited issue. This included planning authorities and third sector respondents who raised particular concerns about potential impacts in designated areas with sensitive built environments such as Conservation Areas and Category A listed buildings and noted that this was acknowledged by the Sustainability Appraisal. These concerns included reference to the extent to which apparatus reaching up to 8 metres above building height can change the character of an area, and diminish its cultural and historic value.
- 2.119 It was suggested use of the prior approval process could enable consideration of specific siting and appearance of apparatus. However, one planning authority wished to retain current powers within designated areas, suggesting that current arrangements allow authorities sufficient discretion to ensure proposals which are close enough to 'like for like' are not required to go through the full planning process. In contrast, a private sector respondent objected to use of prior approval (rather than prior notification). Another private sector respondent suggested that ancillary rooftop equipment that is required for health and safety reasons, such as handrails, should be exempt from any prior approval or prior notification process.

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**Q24. Should any new PDR for other apparatus in designated areas have specific limits and restrictions regarding size and visual intrusion?**

**Q24a. Please explain your answer, and, if you agree, please indicate what sorts of limits and restrictions should apply and why. If you disagree, please explain why.**

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- 2.120 A total of 25 respondents answered the closed element at Question 24, all of these being organisations. Of these 25 respondents, 15 (60%) agreed that PDR for other apparatus in designated areas should have limits and restrictions, and 10 (40%) disagreed. Those disagreeing included eight planning authorities, a planning professional and a private sector respondent.

**Q24. Should any new PDR for other apparatus in designated areas have specific limits and restrictions regarding size and visual intrusion?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>15</b>	<b>10</b>	<b>25</b>
<b>% of organisations</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>
Public sector	6	8	14
<i>Planning authorities</i>	5	8	13
<i>Other public bodies</i>	1		1
Planning and other professionals	1	1	2
Private sector	4	1	5
<i>Digital telecoms</i>	3	1	4
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	4		4
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>			
<i>Other</i>	1		1
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>15</b>	<b>10</b>	<b>25</b>
<b>% of all respondents</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>

2.121 A total of 24 respondents provided written comment at Question 24. This included all 10 who disagreed with the proposed change, 12 who agreed, and a further two who did not answer the closed question. Those who agreed with restrictions on PDR emphasised the potential impact of apparatus in some designated areas, suggesting that restrictions may be needed to minimise adverse impacts in the most sensitive locations. This included a suggestion from a planning authority that limits and restrictions should be tailored to take account of differences between different types of designation. They also commented that limits would be required on the amount of visible modern apparatus in areas designated to protect built and cultural heritage, while limits on noise and ground disturbance may be more relevant where designation is linked to ecology and biodiversity.

2.122 Respondents made reference to a range of specific limits and restrictions which they would like to see applied to PDR in designated areas:

- Maintaining the same limits as are in place for non-designated areas.
- Limiting installation on principal elevations, and limiting visibility from public roads and areas.
- Setting an upper limit on the number of items.
- Setting smaller size limits in more sensitive designated areas, limiting any increase in height to a maximum percentage and/or ensuring apparatus does not extend above current rooflines.
- Limits on noise for backup generators near residences or ecological sites.



- Limits on construction times and ground disturbance in areas designated for ecological reasons.
- Engaging with the industry to ensure limitations are consistent with developing technologies. This included specific concerns that limits on the distance that apparatus can extend beyond a roofline may render PDR worthless.
- Ensuring operators are fully aware of other applicable regulations which may impact the installation of apparatus.
- Developing best practice guidance on how to protect cultural and built heritage within designated areas.

2.123 Those who disagreed with PDR with limits and restrictions highlighted the varied character of designated areas, and expressed concern that additional rules would make PDR overly complex given the diversity of technological and environmental factors to be taken into account. These concerns were primarily raised by planning authorities, and included a view that a standard set of limits and restrictions would be insufficient to overcome the need for local scrutiny. Some expressed a specific preference for the full planning process to be retained in designated areas, although others felt that a prior approval process would be sufficient.

**Q25. Do you agree that PDR for new development of other apparatus on buildings in designated areas should be subject to prior notification/prior approval to mitigate visual impacts?**

**Q25a. If you disagree, please explain why.**

2.124 A total of 25 respondents answered the closed element at Question 25, including 24 organisation respondents and one individual. Of these 25 respondents, 17 (68%) agreed with the proposal and eight (32%) disagreed. Those disagreeing were six planning authorities and two private sector respondents.

**Q25. Do you agree that PDR for new development of other apparatus on buildings in designated areas should be subject to prior notification/prior approval to mitigate visual impacts?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>16</b>	<b>8</b>	<b>24</b>
<b>% of organisations</b>	<b>67%</b>	<b>33%</b>	<b>100%</b>
Public sector	8	6	14
<i>Planning authorities</i>	7	6	13
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	4	2	6
<i>Digital telecoms</i>	3	2	5
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	2		2
<i>Environment/natural heritage</i>	2		2
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>17</b>	<b>8</b>	<b>25</b>
<b>% of all respondents</b>	<b>68%</b>	<b>32%</b>	<b>100%</b>

- 2.125 A total of 17 respondents provided written comment at Question 25. This included seven of the eight who disagreed with the proposal, nine of the 17 who agreed, and a further respondent who did not answer the closed question. Those who agreed highlighted the risk of significant negative impacts, particularly in some designated areas, and suggested that the diversity of these areas meant that some level of case-by-case consideration was required.
- 2.126 Those who disagreed included some planning authorities who suggested that prior notification/ prior approval would be inappropriate given the potential impact of installations across the diversity of designated areas. Another planning authority referred to these procedures as resource intensive for authorities, while undermining planning fee income. It was suggested that, as prior notification/ prior approval could be insufficient for some applications but excessive for others, it should be left to planning authorities to judge whether a full application is required.
- 2.127 Another planning authority suggested that prior notification/ prior approval could be effective if they enabled a proper assessment of local impacts and to identify mitigation. Some private sector respondents supported prior notification but suggested that prior approval would be excessive. These respondents referred to the additional time and cost requirements of prior approval, and the administrative burden on all parties. Reference was also made to existing provisions within Class 67 to mitigate impact of development.

## Underground equipment

2.128 Underground development typically refers to underground cables which support a digital telecommunications network. It is proposed that the general restriction on PDR for underground digital infrastructure in designated areas should be removed, while recognising that restrictions/safeguards may be needed in some areas.

**Q26. In which designated areas do you consider that PDR for underground development could be extended? Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended.**

2.129 A total of 26 respondents provided comment at Question 26, all of these being organisations. Those providing comment included 15 public sector respondents, four private sector respondents, four third sector respondents and three planning professionals.

**Q26. In which designated areas do you consider that PDR for underground development could be extended? Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended.**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>25</b>	<b>36</b>	<b>61</b>
<b>% of organisations</b>	<b>41%</b>	<b>59%</b>	<b>100%</b>
Public sector	15	7	22
<i>Planning authorities</i>	13	3	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	3	2	5
Private sector	4	10	14
<i>Digital telecoms</i>	3	2	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	4	16	20
<i>Environment/natural heritage</i>	3	6	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>	1	6	7
<b>Individuals</b>	<b>0</b>	<b>58</b>	<b>58</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>94</b>	<b>119</b>
<b>% of all respondents</b>	<b>21%</b>	<b>79%</b>	<b>100%</b>

2.130 Respondents who felt it was possible to extend PDR at least to some designated areas referred to a range of possibilities, although some noted that prior notification/ prior approval would be required if PDR is to be applied to any designated areas. Indeed, a planning professional suggested that PDR for underground development could be extended to all designated areas, if this was subject to careful controls (e.g. on like-for-like replacement) and archaeological investigation where necessary.

2.131 Specific types of designated area mentioned by respondents are noted below.

- Designated areas where it was felt that PDR could be extended were: conservation areas, National Scenic Areas, National Parks, World Heritage Sites, Category A listed buildings and scheduled monuments, and historic gardens and designed landscapes. Some noted that prior notification/ prior approval would be required in these areas.
- Designated areas where it was felt that PDR cannot be extended were primarily where underground development is more likely to have an impact on archaeological, ecological or scientific interests. Suggestions included World Heritage Sites, historic gardens and designed landscape, natural heritage and habitat sites such as SSSIs and European Sites, the settings of scheduled monuments and Class A listed buildings and scheduled monuments and historic battlefields. Some suggested that PDR may be applied in these areas, where underground development would replace or be ancillary to existing development, and/or where sufficient controls were in place.
- Some third sector respondents used their comments to indicate that they were opposed to extending PDR to any designated areas.
- A planning professional also recommended that consideration is given to applying prior notification to specific areas of archaeological significance outwith designated areas.

**Q27. In those areas where PDR for underground development could be extended, what limitations, restrictions or requirements should apply (e.g. prior notification/ prior approval, a requirement for an archaeological assessment or specific limitations)? Please explain your answer.**

2.132 A total of 27 respondents provided comment at Question 27, including 26 organisations and one individual. Organisations providing comment were 15 public sector respondents, four private sector respondents, four third sector respondents and three planning professionals.

**Q27. In those areas where PDR for underground development could be extended, what limitations, restrictions or requirements should apply (e.g. prior notification/ prior approval, a requirement for an archaeological assessment or specific limitations)? Please explain your answer.**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>26</b>	<b>35</b>	<b>61</b>
<b>% of organisations</b>	<b>43%</b>	<b>57%</b>	<b>100%</b>
Public sector	15	7	22
<i>Planning authorities</i>	14	2	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	3	2	5
Private sector	4	10	14
<i>Digital telecoms</i>	3	2	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	4	16	20
<i>Environment/natural heritage</i>	3	6	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>	1	6	7
<b>Individuals</b>	<b>1</b>	<b>57</b>	<b>58</b>
<b>% of individuals</b>	<b>2%</b>	<b>98%</b>	<b>100%</b>
<b>All respondents</b>	<b>27</b>	<b>92</b>	<b>119</b>
<b>% of all respondents</b>	<b>23%</b>	<b>77%</b>	<b>100%</b>

2.133 Respondents referred to a range of limitations and restrictions which they wished to see applied to PDR for underground development in designated areas.

2.134 A range of public bodies, planning professionals and third sector respondents wished to see prior approval for PDR in designated areas to enable relevant supporting information to be considered. Respondents suggested that dependent on location, prior notification/ prior approval should consider:

- Archaeological assessment and appropriate mitigation.
- Protected species and habitat surveys.
- Geological surveys.
- Flood risk assessment.
- Pollution protection measures.

2.135 It was also suggested that PDR could include a requirement on an operator to ensure the appropriate range of issues are addressed or to produce an options appraisal, including which options have been discounted and why.

2.136 Other suggested limitations were:

- Like-for-like restoration of land and surfacing.
- Limitation on the depth of undergrounding (e.g. up to 10 metres).

- Ensuring a minimum distance between development and sensitive buildings or settings.

2.137 However, some private sector respondents referred to existing regulations and controls affecting development in designated areas, and suggested that prior approval would not be required.

## General comments

**Q28. Do you have any further comments to make which are specifically related to the potential changes to PDR for Digital Communications Infrastructure which have not been addressed in the questions above?**

2.138 A total of 16 respondents indicated that they had further comments to make at Question 28. These were seven planning authorities, four private sector respondents, three planning professionals and two third sector respondents.

**Q28. Do you have any further comments to make which are specifically related to the potential changes to PDR for Digital Communications Infrastructure which have not been addressed in the questions above?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>16</b>	<b>10</b>	<b>26</b>
<b>% of organisations</b>	<b>62%</b>	<b>38%</b>	<b>100%</b>
Public sector	7	6	13
<i>Planning authorities</i>	7	6	13
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector	4	3	7
<i>Digital telecoms</i>	3	2	5
<i>Rural economy</i>		1	1
<i>Other</i>	1		1
Third sector	2	1	3
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>16</b>	<b>10</b>	<b>26</b>
<b>% of all respondents</b>	<b>62%</b>	<b>38%</b>	<b>100%</b>

2.139 In fact, 22 respondents provided written comment at Question 28. This included seven planning authorities, four planning professionals, six private sector and five third sector respondents. Key points raised by these respondents are summarised below.

2.140 Some planning authorities felt that proposed changes have not addressed the complexity of Class 67, described as a fundamental issue with the legislation relative to other parts of the GPDO. These respondents referred to all parties (planning authorities, operators, consultants and the public) finding Class 67

difficult to interpret. This was noted as a particular issue for smaller planning teams who may not have officers specialising in telecoms.

- 2.141 Concerns were also raised regarding the current prior notification/ prior approval process, which was described as “cumbersome” and difficult for communities to understand. The same planning authority recommended that a ‘Planning Certificate’, similar to the current process for Certificate of Lawfulness, could be an effective replacement for prior notification/ prior approval.
- 2.142 Some respondents also reiterated a view that caution is required in the extension of PDR to designated areas. This included support for prior approval or planning application requirement in designated areas, although there was some concern about the administrative and financial burden this places on planning authorities. Best practice guidance and quality standards for digital communications infrastructure were also recommended as decreasing the risks to designated areas. Others expressed their opposition to extension of PDR and wished to see a requirement for full planning application in these areas.
- 2.143 Concerns were raised regarding fees associated with prior notification/ prior approval, and the extent to which these enable full cost recovery. A planning authority suggested that a review of statutory planning fees should seek to ensure that fees associated with prior notification/ prior approval enable full cost recovery for these processes.
- 2.144 Comments at Question 28 also included the following recommendations for addition or amendment to proposals:
- It was suggested that a focus on designated areas in the proposals omits potential to consider other potentially relevant designations such as Special Landscape Areas, Wild Land areas, and Drinking Water Protected Areas.
  - Some respondents indicated that confusion around the process of prior notification had led to complaints from local communities. It was suggested that neighbour notification requirements are amended to include a requirement for advertisement in the local newspaper, and/or extending the radius for neighbour notification.
  - Adding a requirement to consult with the roads authority where development involves ground based cabinets.
  - A private sector respondent noted that fixed line apparatus currently follows the PDR notification process, and wished to see this continue as the dimensions of this apparatus does not fall into the category that would require prior approval.
  - A third sector respondent wished to see PDR for access tracks for digital infrastructure postponed until consideration of PDR for hill tracks in 2021.

### 3 Agricultural Developments

- 3.1 The second development type considered by the consultation paper was agricultural developments. The consultation paper set out specific proposals for the extension of PDR for agricultural developments including those relating to larger agricultural buildings, conversion of agricultural buildings to residential or commercial use, and conversion of forestry buildings, and includes proposals to clarify the planning status of polytunnels. A total of 20 questions were asked in relation to these proposals.

#### **Larger agricultural buildings**

- 3.2 Class 18 of the GPDO sets out current PDR for agricultural buildings and operations, including the erection, extension or alteration of agricultural buildings. These PDR are subject to a number of conditions limiting the size and height of buildings, limiting the distance of agricultural buildings from trunk roads and dwellings, and limiting the use of any buildings to agricultural purposes. Where a new building or a “significant extension or significant alteration” of an existing building is proposed, the GPDO requires developers to apply to the planning authority to determine whether prior approval is required in relation to siting, design and external appearance. “Significant” extension or alteration is defined as an increase in cubic content of more than 10%.
- 3.3 Scottish Government proposes more than doubling the maximum ground area for new buildings or extensions to existing buildings, and amending the definition of “significant” extension or alteration to 20%. Together, these proposals would double the size of new buildings permitted under PDR, and double the size of extensions that may be undertaken without prior approval. Other limitations and restrictions on the PDR would remain unchanged.

**Q29. Do you agree with our proposal to increase the maximum ground area of agricultural buildings that may be constructed under class 18 PDR from 465sqm to 1,000sqm?**

**Q29a. If you disagree, please explain why.**

- 3.4 A total of 32 respondents answered the closed element at Question 29, including 26 organisation respondents and six individuals. Of these 32 respondents, 24 (75%) agreed with the proposal and eight (25%) disagreed. The eight respondents who disagreed were two public bodies, two planning professionals and four third sector respondents.



**Q29. Do you agree with our proposal to increase the maximum ground area of agricultural buildings that may be constructed under class 18 PDR from 465sqm to 1,000sqm?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>18</b>	<b>8</b>	<b>26</b>
<b>% of organisations</b>	<b>69%</b>	<b>31%</b>	<b>100%</b>
Public sector	14	2	16
<i>Planning authorities</i>	12		12
<i>Other public bodies</i>	2	2	4
Planning and other professionals	1	2	3
Private sector	3		3
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>			
Third sector		4	4
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>6</b>	<b>0</b>	<b>6</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>24</b>	<b>8</b>	<b>32</b>
<b>% of all respondents</b>	<b>75%</b>	<b>25%</b>	<b>100%</b>

- 3.5 A total of 25 respondents provided written comment at Question 29. This included all eight of those who disagreed with the proposal, 12 who agreed, and five who did not answer the closed question. Those who agreed were of the view that proposals were more in step with modern farming practices, and noted that they were consistent with the rest of the UK. Some of those expressing overall support for the proposals suggested that the proposed scale of increase may not be appropriate in all designated areas, and highlighted the role of prior notification/ prior approval in enabling some local scrutiny.
- 3.6 The most common point raised by those opposed to the proposal, were comments highlighting that it represents a significant increase in building size to be permitted without some local scrutiny. This was a particular concern for planning professionals and third sector respondents. These respondents referred to potential impact on landscape and visual amenity, the increased intensity of use on the site, and potential noise disturbance. One respondent considered that an SEA had not been undertaken to assess the potential long-term impact of proposals.
- 3.7 Particular concern was expressed about the potential impact of proposals for designated areas, and the risk of diminishing the value of these areas. This included reference to potential for buildings of this size to have a visual impact on sensitive landscapes, and concern about impact on biodiversity, habitat and ecology. On the basis of these concerns, some respondents indicated that proposals should not be applied across all designated areas. Specific reference was made to the following areas as not suitable for the proposed increase in building size: National Parks, National Scenic Areas, Conservation Areas, World Heritage Sites and historic designed gardens and landscapes.

- 3.8 Comments on additional protections in designated areas included a suggestion that prior approval procedures should consider impacts on soil quality, biodiversity, flood risk and archaeological disturbance – alongside siting and appearance. However, some planning professionals and third sector respondents were of the view that a full planning application should be required. This included some who specifically wished to see full planning scrutiny in designated areas, and others who felt that this was required for all cases.
- 3.9 Other issues raised in relation to proposals were:
- A suggestion that no evidence has been cited that current PDR for agricultural buildings are inadequate, and why such a large increase is required.
  - Concern regarding potential for proposals to increase flood risk through uncontrolled loss of permeable ground. It was suggested that prior notification should be required to consider flood risk, including downstream risk and cumulative impact. In addition, it was suggested that PDR should be limited in identified medium to high flood risk areas, and/or PDR specify a maximum total increase in agricultural buildings within a defined area.
  - Concern that developers could still erect large agricultural buildings purely for later conversion to residential use, despite proposed mitigation measures.

**Q30. Do you agree with our proposal to retain other existing class 18 conditions and limitations?**

**Q30a. If you disagree, please explain why.**

- 3.10 A total of 30 respondents answered the closed element at Question 30, including 25 organisation respondents and five individuals. Of these 30 respondents, 27 (90%) agreed with the proposal and three (10%) disagreed. Those who disagreed were a planning authority, a planning professional, and a private sector respondent.

**Q30. Do you agree with our proposal to retain other existing class 18 conditions and limitations?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>22</b>	<b>3</b>	<b>25</b>
<b>% of organisations</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>
Public sector	16	1	17
<i>Planning authorities</i>	12	1	13
<i>Other public bodies</i>	4		4
Planning and other professionals	2	1	3
Private sector	2	1	3
<i>Digital telecoms</i>			
<i>Rural economy</i>	1	1	2
<i>Other</i>	1		1
Third sector	2		2
<i>Environment/natural heritage</i>	2		2
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>27</b>	<b>3</b>	<b>30</b>
<b>% of all respondents</b>	<b>90%</b>	<b>10%</b>	<b>100%</b>

3.11 Sixteen respondents provided written comment at Question 30. This included the three who disagreed with the proposal, nine who agreed, and four who did not answer the closed question. Those who agreed referred to the importance of existing conditions to limit the impact of larger agricultural buildings, and for planning authorities to retain a degree of control. This included particular reference to the importance of conditions in sensitive landscapes.

3.12 However, those who indicated their overall agreement at Question 30 were amongst a range of respondents who suggested amendments or additions to existing controls. This included a mix of public, private and third sector respondents. These suggestions are summarised below.

- Some wished to see re-consideration of the building height limit. This included a planning authority recommending additional assessment of proposals over a specified height, and private sector respondents suggesting that the current 12 metre height limit is not consistent with modern farming practices. This included potential future growth in indoor “vertical” farming.
- A private sector respondent suggested that the minimum distance requirement for classified roads could be reduced or removed, if sightlines for road entrances and junctions are retained. However, some planning authorities suggested that the larger size limit may require a greater distance from roads and residential buildings to avoid noise and other disruption.
- Some respondents suggested that the proposed larger size limit for buildings is disproportionate to the minimum size of the agricultural unit. Concerns were raised that permitted buildings could account for up to two thirds of the total site, and as such are likely to have a significant visual impact. Reference was made to the minimum land size of 5 hectares in England as a potentially suitable approach.

- A private sector respondent suggested that the requirement that agricultural land is used in the course of a trade or business may disadvantage non-commercial growers, even where their activities fall within the definition of agriculture as set out in the 1997 Planning Act.
- A private sector respondent suggested that the 3m height limit for PDR close to aerodromes is very low, given the size of the buffer zone around aerodromes. It was suggested that the size of the buffer zone and height limit on buildings should be reviewed.
- A third sector respondent suggested that more guidance is required on the assessment of impacts on wildlife, habitats and ecology.
- A third sector respondent suggested that planning authority approval should be required for sites within a flood risk area, or where proposals could have a material adverse impact on flood risk.

**Q31. Do you think that the new 1,000sqm size limit should apply in designated areas (e.g. National Parks and National Scenic Areas)?**

**Q31a. Please explain your answer.**

- 3.13 A total of 30 respondents answered the closed element at Question 31, including 24 organisation respondents and six individuals. Of these 30 respondents, nine (30%) agreed that the new size limit should apply in designated areas, and 21 (70%) disagreed. The nine respondents who agreed included three planning authorities, three private sector respondents, one third sector respondent and two individuals.

**Q31. Do you think that the new 1,000sqm size limit should apply in designated areas (e.g. National Parks and National Scenic Areas)?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>7</b>	<b>17</b>	<b>24</b>
<b>% of organisations</b>	<b>29%</b>	<b>71%</b>	<b>100%</b>
Public sector	3	11	14
<i>Planning authorities</i>	3	10	13
<i>Other public bodies</i>		1	1
Planning and other professionals		3	3
Private sector	3		3
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>			
Third sector	1	3	4
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>		1	1
<b>Individuals</b>	<b>2</b>	<b>4</b>	<b>6</b>
<b>% of individuals</b>	<b>33%</b>	<b>67%</b>	<b>100%</b>
<b>All respondents</b>	<b>9</b>	<b>21</b>	<b>30</b>
<b>% of all respondents</b>	<b>30%</b>	<b>70%</b>	<b>100%</b>

- 3.14 A total of 29 respondents provided written comment at Question 31. This included 20 who disagreed with the proposal, seven who agreed, and two who did not answer the closed question. Those who agreed were concerned that farmers should not be put at a commercial disadvantage based only on their location within a designated area. However, reference was made to the importance of prior notification/ prior approval processes, and the need to ensure these provide sufficient protection to prevent inappropriate development.
- 3.15 The most common concern for those opposed to the 1,000sqm limit in designated areas was the potential impact of what was seen as a significant increase in building size. This was raised by a range of planning authorities, planning professionals, third sector respondents and individuals. Some noted that agricultural buildings are often the largest structure in their surroundings, and felt that an increase to 1,000sqm would be out of keeping with what were described as “fragile landscapes”. These respondents felt that more planning authority control is required to properly manage these areas. Moreover, some third sector respondents suggested that extending the 1,000sqm limit would effectively undermine the designated status – for example rendering National Park Authorities unable to fully scrutinise development.
- 3.16 Those opposed to the proposal raised a number of points in support of their position. These included concerns that the 1,000sqm limit could encourage new development which is not in keeping with the area, and that planning authorities may find it difficult to resist this trend even if some controls are in place. Concern was also expressed around potential for future change of use of larger agricultural buildings, for example to storage or other industrial uses in areas where this kind of land use would not usually be permitted.

3.17 Respondents also referred to a range of designated areas and other sensitive landscapes where it was felt the 1,000sqm limit on agricultural buildings could have a particularly adverse impact. These are summarised below.

- Specific designated areas where the 1,000sqm was seen as inappropriate were National Parks, National Scenic Areas, conservation areas, the setting of Category A listed buildings, scheduled monuments, World Heritage Sites, gardens and designed landscapes, and historic battlefields.
- Respondents also referred to other sensitive landscapes, which are not designated but where it was felt that 1,000sqm buildings could have a significant impact. These included Local Landscape designations as defined in Local Plans, Greenbelt designations, and in areas of 'traditional' farming practices and/or crofting.

**Q32. Do you agree with our proposal to increase the scale of extensions or alterations to agricultural (and forestry) buildings that may be carried out without requiring prior approval?**

**Q32a. If you disagree, please explain why.**

- 3.18 A total of 32 respondents answered the closed element at Question 32, including 25 organisation respondents and seven individuals. Of these 32 respondents, 22 (69%) agreed with the proposal and 10 (31%) disagreed. The ten respondents who disagreed were four public bodies, two planning professionals, one private sector and three third sector respondents.

**Q32. Do you agree with our proposal to increase the scale of extensions or alterations to agricultural (and forestry) buildings that may be carried out without requiring prior approval?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>15</b>	<b>10</b>	<b>25</b>
<b>% of organisations</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>
Public sector	11	4	15
<i>Planning authorities</i>	10	2	12
<i>Other public bodies</i>	1	2	3
Planning and other professionals	1	2	3
Private sector	3	1	4
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>		1	1
Third sector		3	3
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>7</b>	<b>0</b>	<b>7</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>22</b>	<b>10</b>	<b>32</b>
<b>% of all respondents</b>	<b>69%</b>	<b>31%</b>	<b>100%</b>

- 3.19 A total of 20 respondents provided written comment at Question 32. This included the 10 respondents who disagreed with the proposal, six who agreed, and four who did not answer the closed question. Those who agreed noted that the proposal represented a smaller change than that proposed for the maximum size of agricultural buildings (see Questions 29 and 31). However, some of those in agreement expressed concerns regarding impact in designated areas, and wished to see these excluded.

- 3.20 For those who opposed the proposed increase, this was most commonly related to the potential impact, particularly in designated areas. A mix of public sector, planning professionals and third sector respondents suggested that proposals could still result in relatively significant change to agricultural buildings, and were concerned about potential adverse impacts. It was also noted that the Sustainability Appraisal indicates that removing a requirement for prior notification has potential significant effects, particularly on cultural heritage.

- 3.21 These concerns were particularly acute in relation to designated areas. A range of public and third sector respondents, including some of those who agreed with the proposal in general, referred to potential significant impact on designated areas and other sensitive landscapes. This included specific reference to National Parks, National Scenic Areas, conservation areas, historic designed gardens and landscapes, local landscapes, greenbelt designations, and designated croft land. However, some public and third sector respondents felt that proposals should not be applied to any designated areas. It was noted that the Sustainability Appraisal recommends retention of prior notification/ prior approval; some suggested that this may be sufficient to mitigate potential adverse impacts in designated areas, or otherwise a lower limit above which prior notification/ prior approval would apply.
- 3.22 Respondents also suggested other amendments or additions to proposals including:
- Applying a condition that buildings can only be extended once.
  - Making clear that this does not allow extensions that would increase the size of a shed beyond that ordinarily permitted under the Class 18.
  - Setting a maximum size for forestry buildings to better control inappropriately sized buildings.
  - Prior approval to be applied within MOD safeguarding zones.
  - Prior approval to be required where protected species legislation applies, or buildings that host protected species should be excluded from PDR. More generally, existing protocols that alert planners to the presence of protected species in developments should be adopted by proposals.

**Q33. Do you agree with our proposal to discourage developers from erecting new buildings for the sole purpose of converting them by limiting class 18 and 22 PDR where a residential conversion has taken place under PDR on the same farm within the preceding 10 years?**

**Q33a. If you disagree, please explain why.**

- 3.23 A total of 34 respondents answered the closed element at Question 33, including 26 organisation respondents and eight individuals. Of these 34 respondents, 16 (47%) agreed and 18 (53%) disagreed. Those disagreeing were 11 public sector respondents, four third sector respondents, a private sector respondent and two individuals.



**Q33. Do you agree with our proposal to discourage developers from erecting new buildings for the sole purpose of converting them by limiting class 18 and 22 PDR where a residential conversion has taken place under PDR on the same farm within the preceding 10 years?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>10</b>	<b>16</b>	<b>26</b>
<b>% of organisations</b>	<b>38%</b>	<b>62%</b>	<b>100%</b>
Public sector	5	11	16
<i>Planning authorities</i>	3	10	13
<i>Other public bodies</i>	2	1	3
Planning and other professionals	3		3
Private sector		1	1
<i>Digital telecoms</i>			
<i>Rural economy</i>		1	1
<i>Other</i>			
Third sector	2	4	6
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>	1	1	2
<i>Other</i>		1	1
<b>Individuals</b>	<b>6</b>	<b>2</b>	<b>8</b>
<b>% of individuals</b>	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>All respondents</b>	<b>16</b>	<b>18</b>	<b>34</b>
<b>% of all respondents</b>	<b>47%</b>	<b>53%</b>	<b>100%</b>

- 3.24 A total of 28 respondents provided written comment at Question 33. This included all 18 who disagreed with the proposal, seven who agreed, and three who did not answer the closed question. Those who agreed indicated that they supported the purpose of proposals in preventing inappropriate or excessive residential development, although some felt that application of the proposal could be complex for planning authorities given potential ownership and layout changes over time.
- 3.25 Most of those opposed to the proposal appeared to support the aim of preventing inappropriate residential development, but had concerns about the likely effectiveness of the proposed approach. This was a particular issue for public and third sector respondents, with some of the view that a 10 year limit would be insufficient, and may still be seen by developers as a “worthwhile investment”. This included suggestions that a period of more than 10 years would be required to sufficiently deter conversion to residential development. However, others wished to see conversion to residential use excluded from PDR, expressing a view that preventative measures would not be sufficient to prevent erection of agricultural buildings solely for future conversion. This included suggestions that PDR would undermine the principle of a plan-led system.
- 3.26 Those opposed to the proposal raised several other concerns. This included suggestions that application of the proposal may be complex for planning authorities. Some public, private and third sector respondents noted that it can be difficult to determine what constitutes relevant “farm unit” or the “same farm”, with many farming businesses comprising multiple sites and buildings. Reference was also made to potential changes to farm holdings over time, and it was noted that planning authorities are unlikely to have information allowing them to track these changes to make judgements on whether and how PDR restrictions should

apply. A planning authority also suggested that it may be difficult to determine whether previous conversion has been undertaken, as building warrant compliance is not 100%.

- 3.27 A planning authority suggested that proposals could disincentivise these conversions, if doing so would restrict owners in the future.
- 3.28 Others, including private sector respondents and individuals, objected to the proposal on the basis that it would be overly restrictive, and potentially work against the aim of supporting sustainable rural economic growth. This included suggestions that proposals would create barriers to business growth and improved productivity, if any building must be in agricultural use for 10 years. A private sector respondent suggested that a farmer choosing to convert buildings no longer suitable for agriculture, and needing modern buildings to develop their farming business, may be unrelated and should not be penalised by planning legislation. The proposed change to PDR discussed at Question 39 below was recommended as a more proportionate approach.
- 3.29 Reflecting the range of views and concerns outlined above, respondents suggested a number of specific amendments or additions to proposals as summarised below:
- Increasing the time threshold for conversion including a suggestion of 20 years.
  - Applying PDR for conversion exclusively to existing buildings, with scope for this to be reviewed to consider if the available 'stock' for conversion has been sufficient.
  - The phrase "under the new PDR proposed below" should be removed from the proposal, such that the proposal will capture farms where conversion has taken place irrespective of the regulations under which conversion was undertaken.
  - The PDR should be limited only to "vernacular buildings" (defined as pre-1950s and build using traditional materials and methods) to deter new buildings being erected for conversion.
  - Guidance will be required to assist planning authorities in determining whether buildings to be converted are genuinely redundant for the purposes of the farm business. A planning authority suggested that any conversion which gives rise to a need to construct a replacement building that would otherwise not have been required, is not a sustainable use of land.
- 3.30 Respondents also identified a number of issues where it was felt that clarification is required, including a suggestion that it should be made clear that the proposal would not remove all PDR for the 10 years following conversion, but would only remove the right to construct new agricultural buildings. Other queries included:
- If a proposal for conversion has been granted, but not implemented, could another permission be granted?

- If a farm business owns several scattered farms, would a conversion on one site restrict the erection of a new building on another site that may be many miles distant?
- If a farm is dissolved and sold in lots to neighbours, would any conversions undertaken on this land restrict the new owners?

### **Conversion of agricultural buildings to residential use**

- 3.31 The GPDO includes PDR for some changes of use, but these do not currently apply to agricultural buildings. Scottish Government proposes new PDR for conversion of agricultural buildings to residential use, to include change of use of an agricultural building and “reasonable building operations” required to convert the building to dwellings.
- 3.32 The new PDR would be subject to a number of conditions and limitations to minimise the risk of adverse impacts, and prevent misuse of the new PDR:
- PDR would be subject to prior approval, which would be required to consider a range of matters including design and appearance, provision of natural light within habitable rooms, transport and access, flood risk, contamination risk, and noise. If this process identifies impacts that cannot be acceptably mitigated, prior approval may be refused.
  - Conversions would be limited to no more than 5 new dwellings, each of which should be no more than 150sqm.
  - External dimensions of the completed development may not extend beyond those of the existing agricultural building.
  - PDR would not apply to listed buildings or buildings in the site of a scheduled monument.
  - To prevent landowners from erecting agricultural buildings solely for the purposes of subsequent conversion, any building to be converted must have been used for agricultural purposes on or before 5 November 2019, or have been used for agricultural purposes for a continuous period of 10 years.

**Q34. Do you agree with the proposed new PDR for conversion of agricultural buildings to residential use, including reasonable building operations necessary to convert the building?**

**Q34a. If you disagree, please explain why.**

- 3.33 A total of 37 respondents answered the closed element at Question 34, including 29 organisation respondents and eight individuals. Of these 37 respondents, 10 (27%) agreed with the proposal and 27 (73%) disagreed. The ten respondents who agreed were another public body, a planning professional, and three private sector respondents.

**Q34. Do you agree with the proposed new PDR for conversion of agricultural buildings to residential use, including reasonable building operations necessary to convert the building?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>5</b>	<b>24</b>	<b>29</b>
<b>% of organisations</b>	<b>17%</b>	<b>83%</b>	<b>100%</b>
Public sector	1	15	16
<i>Planning authorities</i>		14	14
<i>Other public bodies</i>	1	1	2
Planning and other professionals	1	2	3
Private sector	3	1	4
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>		1	1
Third sector		6	6
<i>Environment/natural heritage</i>		4	4
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>5</b>	<b>3</b>	<b>8</b>
<b>% of individuals</b>	<b>63%</b>	<b>38%</b>	<b>100%</b>
<b>All respondents</b>	<b>10</b>	<b>27</b>	<b>37</b>
<b>% of all respondents</b>	<b>27%</b>	<b>73%</b>	<b>100%</b>

- 3.34 A total of 36 respondents provided written comment at Question 34. This included the 27 respondent who disagreed with the proposal, four of the 10 who agreed, and five who did not answer the closed question.
- 3.35 For respondents opposed to the proposed PDR, the two most commonly cited concerns were that proposals undermined the plan-led approach being taken by planning authorities, and concerns regarding potential for inappropriate residential development. These issues were raised by a range of respondents including planning authorities, planning professionals, third sector respondents and individuals.
- 3.36 A number of planning authorities noted that they already make provision to encourage conversion of existing buildings as part of the Local Development Plan-led approach. This included description of policies and controls to ensure conversions are in suitable locations, including a specific focus for some on controlling housing development in greenbelt and rural locations, preventing urban sprawl and the suburbanisation of rural areas. Some referred to the current Local Development Plan system as working well to support appropriate conversion of agricultural buildings, and suggested that proposals were seeking to fix something that is not broken.
- 3.37 Some noted that sites with potential for five or more would usually be included in Housing Land Audits to inform forward planning, but that the proposed PDR could undermine this process. At a national level, it was also noted that neither NPF3 nor the recent *Rural Planning Policy to 2050* document referenced the proposed PDR, and suggested that national Scottish Planning Policy should be the vehicle to drive any policy change to rural housing development.

- 3.38 It was also suggested that proposals could undermine local policy priorities. This included reference to wind turbine generation, minerals development, tourism accommodation policies and town centre regeneration.
- 3.39 A range of respondents expressed concerns regarding potential for the proposed PDR to allow residential development in unsuitable locations. This included specific concerns about residential conversions in remote or inaccessible locations, and in close proximity to agricultural operations. Some also suggested that proposals do not take account of the diversity of farm steadings in terms of their location and character, and suitability for residential conversion.
- 3.40 Comments relating to the potential impact of proposals included concerns regarding the potential cumulative impact of residential conversions on the character of rural areas. This reflected points noted above regarding planning authority policies to prevent the “suburbanisation” of rural areas. Some also expressed concerns regarding the potential impact of uncontrolled residential development on infrastructure capacity in rural areas. It was noted that proposals would not allow planning authorities to secure developer contributions to increase infrastructure capacity, as might be expected of other developments of a similar size.
- 3.41 In addition to concerns regarding the potential impact of proposals, some expressed scepticism regarding the likely effectiveness of the PDR to support the supply of affordable housing in rural areas, and to support rural repopulation. This included some who noted that conversion costs are typically higher than for new build, and that rural housing market trends in parts of Scotland suggested that some conversions will be used for second homes or short-term lets. Some planning authorities suggested that the proposed PDR would not include any mechanism by which authorities can require a proportion of affordable housing units.
- 3.42 It was also suggested that the range of matters to be considered through prior approval were such that proposals were unlikely to achieve any real streamlining of the planning process. Indeed, it was suggested that proposals represent a significant change in the scope and nature of development permitted under Class 18 and 22.
- 3.43 Other concerns raised by those opposed to the proposed PDR are summarised below.
- Some indicated that planning authorities and others may have difficulty defining what “reasonable building operations” should be allowed by the PDR, such that planning authorities can prevent proposals which effectively rebuild agricultural buildings.
  - In relation to the proposal to limit the size of converted dwellings to that of the existing agricultural building, some suggested that existing residential PDR would mean that converted dwellings could subsequently be extended without the need for planning scrutiny.
  - It was suggested that the scale of development to be permitted under proposals would usually warrant public engagement, and that proposals for prior notification/ prior approval are insufficient to support meaningful public engagement.

- Some felt that the conditions and limits specified in the consultation document would not be effective in minimising impact of development, including reference to flood risk management, and impact on ecology and biodiversity. Some expressed particular concern regarding impact in designated areas. Some also suggested that conditions would not be sufficient to prevent developers from “gaming” the PDR by erecting buildings for later conversion.

3.44 Respondents also identified a range of points where it was felt that clarification is required, and suggested amendment or addition to proposals. These are summarised below.

- PDR should be restricted only to rural buildings of vernacular quality and/or historical or architectural interest – modern utilitarian structures should not be eligible.
- A condition should be added that the dwelling must be a principal residence.
- The applicant should be required to prove the redundancy of the building to be converted.
- Reduce the size threshold for dwellings to encourage development of more affordable homes.
- The proposed PDR should be limited to specific zones or local circumstances, as identified by planning authorities. For example, this could exclude greenbelt.
- The proposed PDR should not apply within military safeguarding zones.

**Q35. Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters?**

**Q35a. If you disagree, please explain why.**

3.45 A total of 37 respondents answered the closed element at Question 35, including 29 organisation respondents and eight individuals. Of these 37 respondents, 20 (54%) agreed with the proposal and 17 (46%) disagreed. Those who disagreed were 12 planning authorities, a planning professional, a private sector respondent, a third sector respondent and two individuals.

**Q35. Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>14</b>	<b>15</b>	<b>29</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	6	12	18
<i>Planning authorities</i>	2	12	14
<i>Other public bodies</i>	4		4
Planning and other professionals	2	1	3
Private sector	3	1	4
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>	2	1	3
Third sector	3	1	4
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>			
<b>Individuals</b>	<b>6</b>	<b>2</b>	<b>8</b>
<b>% of individuals</b>	<b>75%</b>	<b>25%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>17</b>	<b>37</b>
<b>% of all respondents</b>	<b>54%</b>	<b>46%</b>	<b>100%</b>

- 3.46 A total of 32 respondents provided written comment at Question 35. This included the 17 respondents who disagreed with the proposal, 11 who agreed, and four who did not answer the closed question. Those who agreed with the proposed prior notification/ prior approval requirement were of the view that this would be required to ensure design quality and amenity of conversions, and felt that proposals set out appropriate controls to minimise any adverse impact. However, some of those expressing broad support for the proposal suggested that it was unlikely to differ greatly from consideration of a full planning application, other than establishing the principle. Some of these respondents suggested that this could be achieved through Local Development Plans (LDPs) without any need for additional PDR.
- 3.47 For those opposed to the proposal, the most common issue raised was that prior notification/ prior approval would not provide sufficient scrutiny given the significance of the development. These concerns were raised primarily by planning authorities, although some planning professionals and private and third sector respondents agreed. This included reference to the variation in farm holdings and agricultural buildings, and potential for inappropriate development. It was also suggested that prior approval can raise public expectation regarding the level of scrutiny involved and, in particular, scope for meaningful public engagement. This included reference to public objections raised due to a lack of understanding of what was seen as a complex process. Some suggested that a full planning application was required to ensure sufficient opportunity to consider the required range of issues, and to enable proper public engagement.
- 3.48 Some raised concerns that the proposed range of matters to be considered is insufficient – these views are considered in more detail at Question 36. However, it was also suggested that the range of matters to be considered by prior notification/ prior approval are such that the proposed PDR would not streamline the process relative to a full planning application. This included comments from

planning authorities, a planning professional and a private sector respondent. Moreover, it was suggested that proposals could add further delay to the present process, if prior approval is refused and developers are required to submit a full planning application.

- 3.49 Some planning authorities and planning professionals suggested that prior notification/ prior approval placed a significant resource burden on authorities, particular given the broad range of matters and depth of information to be considered. This included suggestions that the resource requirements of the proposed PDR with prior approval would be equivalent to those of a full planning application. In this context, some planning authorities and planning professionals raised concerns that current fee structures for PDR would not allow full cost recovery.
- 3.50 Respondents highlighted a number of points for clarification, including:
- The timescales in which the prior approval would be determined.
  - Whether neighbour notification would be required.
  - Whether converted dwellings would be eligible for householder PDR, thus allowing subsequent extension.
  - How consultees would contribute to the prior notification/ prior approval process.
  - Whether the proposed PDR include any opportunity to secure developer contributions and/or affordable housing contribution.
- 3.51 Finally, there was a call for design guidance for conversion of agricultural buildings, alongside prior approval, in order to minimise the impact on historic environment assets.

**Q36. Do you agree with the proposed range of matters that would be the subject of a prior notification/prior approval process?**

**Q36a. If you disagree, please explain why.**

- 3.52 A total of 34 respondents answered the closed element at Question 36, including 27 organisation respondents and seven individuals. Of these 34 respondents, 12 (35%) agreed with the proposal and 22 (65%) disagreed. The 12 respondents who agreed were three public bodies, two planning professionals, two private sector, a third sector respondent and four individuals



**Q36. Do you agree with the proposed range of matters that would be the subject of a prior notification/prior approval process?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>8</b>	<b>19</b>	<b>27</b>
<b>% of organisations</b>	<b>30%</b>	<b>70%</b>	<b>100%</b>
Public sector	3	13	16
<i>Planning authorities</i>	1	13	14
<i>Other public bodies</i>	2		2
Planning and other professionals	2	1	3
Private sector	2	1	3
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>	2	1	3
Third sector	1	4	5
<i>Environment/natural heritage</i>		4	4
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>			
<b>Individuals</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>% of individuals</b>	<b>57%</b>	<b>43%</b>	<b>100%</b>
<b>All respondents</b>	<b>12</b>	<b>22</b>	<b>34</b>
<b>% of all respondents</b>	<b>35%</b>	<b>65%</b>	<b>100%</b>

- 3.53 A total of 34 respondents provided written comment at Question 36. This included all 22 who disagreed with the proposal, seven who agreed, and five who did not answer the closed question. Those who agreed indicated that the matters noted in the consultation document addressed the key points for consideration. However, some wished to see guidance on the extent and limitations of the prior notification/ prior approval process for PDR, and how the identified matters will be assessed. This included for example the role of statutory consultees.
- 3.54 Some respondents suggested that the range of matters to be considered is effectively equivalent to a full planning application. This included a suggestion that fees should be reviewed to ensure full cost recovery for the extended prior notification/ prior approval process.
- 3.55 Some saw a need for Scottish Government guidance regarding the application of PDR, to ensure a consistent approach across the country. It was suggested that this should include clarification on matters to be considered. A planning authority also sought clarification regarding potential development outwith the curtilage of the agricultural building, for example access arrangements or water supply, and whether this would be considered development in its own right.
- 3.56 Respondents identified a range of other matters to be considered by the prior notification/ prior approval process. These included:
- Impact on ecology and biodiversity, including protected species
  - Archaeological and/or architectural assessment.
  - Mineral resource safeguarding.
  - Ensuring reliable water supply, foul drainage and impact on watercourses.

- Air quality including proximity to agricultural processes.
- Odour.
- Residential amenity, space standards and impact, for example on neighbouring properties.
- Potential impact on the viability of the croft/farm holding.
- Definition of curtilage of building, and control of future development within curtilage.
- Reference to provision of natural light is expanded to include provision of adequate living accommodation.
- Parking provision.
- Sufficient garden ground.
- Separation from agricultural operations.
- Boundary treatments.
- Options for developer obligation payments/affordable housing supply.
- Consideration of local affordable housing needs.
- Impact on local service provision, including education and healthcare.
- Active travel links.
- Impact on established road policies.
- Requirement for consultation with the relevant roads authority.
- Clarification regarding whether planning authorities should consider relevant LDP policy as part of the prior notification/ prior approval process.

**Q37. Do you agree with the proposed maximum number (5) and size (150sqm) of units that may be developed under this PDR?**

**Q37a. If you disagree, please explain why.**

- 3.57 A total of 34 respondents answered Question 37, including 27 organisation respondents and seven individuals. Of these 34 respondents, 10 (29%) agreed with the proposal and 24 (71%) disagreed. The ten respondents who agreed were two public bodies, a planning professional, two private sector and one third sector respondents, and four individuals.

**Q37. Do you agree with the proposed maximum number (5) and size (150sqm) of units that may be developed under this PDR?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>6</b>	<b>21</b>	<b>27</b>
<b>% of organisations</b>	<b>22%</b>	<b>78%</b>	<b>100%</b>
Public sector	2	14	16
<i>Planning authorities</i>	1	13	14
<i>Other public bodies</i>	1	1	2
Planning and other professionals	1	2	3
Private sector	2	1	3
<i>Digital telecoms</i>			
<i>Rural economy</i>	2	1	3
<i>Other</i>			
Third sector	1	4	5
<i>Environment/natural heritage</i>		2	2
<i>Community Councils/representative groups</i>	1	1	2
<i>Other</i>		1	1
<b>Individuals</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>% of individuals</b>	<b>57%</b>	<b>43%</b>	<b>100%</b>
<b>All respondents</b>	<b>10</b>	<b>24</b>	<b>34</b>
<b>% of all respondents</b>	<b>29%</b>	<b>71%</b>	<b>100%</b>

- 3.58 A total of 30 respondents provided written comment at Question 37. This included all 24 who disagreed with the proposal, five who agreed, and one who did not answer the closed question. Those who agreed with proposals expressed a view that limits on the PDR are essential to ensure development minimises impact on the rural character of the surrounding area. However, most of those providing comment raised concerns about and/or suggested amendment to the proposals.
- 3.59 For those opposed to the proposal, the most common issue was that the numeric limit of five dwellings per conversion is too high. This included concern primarily from planning authorities and planning professionals regarding the potential for significant impact on the character of rural areas, including potential cumulative impact across multiple farm steadings. Some noted that this kind of development could be at odds with local planning policy which seeks to control the volume and character of rural housing development. A planning authority suggested that the proposal could lead to a substantial number of residential dwellings in unsuitable, unsustainable locations.
- 3.60 In addition to impact on the character of the local area, concerns were raised regarding impact on local infrastructure. This included particular concern around impact on shared private water supplies, potentially imposed without opportunity for meaningful consultation. Others raised concerns regarding the impact of proposals for farms hosting the conversion. Some suggested that development of up to five dwellings would be excessive for many crofts and smaller farm units. There was also concern that potential to develop up to five dwellings could encourage land holders to convert buildings that could remain suitable for agricultural use.

- 3.61 Planning authority and third sector respondents were among those who suggested that the proposed limit on dwelling numbers could be difficult to enforce. This included potential for two units being used as a single dwelling over time, or vice versa. Others suggested that the potential financial gain may encourage landowners to artificially sub-divide farm holdings to maximise opportunity for re-development.
- 3.62 Other comments included that the consultation paper did not provide reasoning or justification for the limit of five dwellings. It was noted that the limit is inconsistent with some LDP policies in terms of threshold on small scale rural housing development, and is a development size that would potentially attract developer contributions in relation to affordable housing, services and infrastructure.
- 3.63 Respondents offered a number of alternatives to the proposed limit of five dwellings. Some suggested that a set limit should not be imposed, but should be determined based on the farm holding and character of the local area on a case by case basis. A planning authority suggested that a lower volume limit would be more appropriate for an untested process, and could be reviewed once more is known about the impact of the PDR. It was also suggested that a single dwelling limit would have been less of an incentive for inappropriate conversion, and would be a better fit with succession planning within farm management.
- 3.64 In terms of the proposed limit on the size of each dwelling, it was suggested that this is no guarantee of affordability, nor that dwellings will meet local housing needs. Moreover, it was noted that landowners may have the opportunity to subsequently extend a dwelling, if converted dwellings were eligible for householder PDR. Other, primarily private sector, respondents felt that the proposed size limit may be too small. This included a suggestion that conversions often result in inefficient use of space, and that the proposed limit may not be enough for a family home. In this context, the size limit was seen as potentially encouraging development of dwellings for short-term lets, and a private sector respondent suggested a cumulative (i.e. per agricultural unit) limit of 750sqm.

**Q38. Do you agree with the proposed protection for listed buildings and scheduled monuments?**

**Q38a. If you disagree, please explain why.**

- 3.65 A total of 28 respondents answered Question 38, including 21 organisation respondents and seven individuals. Of these 28 respondents, 25 (89%) agreed with the proposal and three (11%) disagreed. Those who disagreed were a planning authority and two individuals.

**Q38. Do you agree with the proposed protection for listed buildings and scheduled monuments?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>20</b>	<b>1</b>	<b>21</b>
<b>% of organisations</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>
Public sector	13	1	14
<i>Planning authorities</i>	13	1	14
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector	1		1
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	3		3
<i>Environment/natural heritage</i>	2		2
<i>Community Councils/representative groups</i>			
<i>Other</i>	1		1
<b>Individuals</b>	<b>5</b>	<b>2</b>	<b>7</b>
<b>% of individuals</b>	<b>71%</b>	<b>29%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>3</b>	<b>28</b>
<b>% of all respondents</b>	<b>89%</b>	<b>11%</b>	<b>100%</b>

- 3.66 Fifteen respondents provided written comment at Question 38. This included the three respondents who disagreed with the proposal, nine of the 25 who agreed, and three who did not answer the closed question. Those who agreed saw the proposal as a vital protection to ensure that the PDR does not result in damage to cultural heritage. However, it is notable that some of those in favour of the proposal suggested that this may require more careful consideration than would be allowed by prior notification/ prior approval.
- 3.67 The three respondents who objected to the proposed protections included two who re-stated their objection to the principle of PDR for conversion of agricultural buildings. However, it was also suggested that proposed protection for listed buildings and scheduled monuments fail to recognise the impact of conversion of relatively large agricultural buildings adjacent to sites of cultural importance. It was suggested that converted agricultural buildings do not have to be within the site of scheduled monuments to have an impact on the character of the site. This was also acknowledged by some of those in favour of the proposals, who wished to see guidance and/or further limitations to avoid inappropriate development on the boundary of scheduled monuments.
- 3.68 Other respondents expressing broad support for proposed protection for listed buildings and scheduled monuments also raised other points for consideration and/or suggested amendments. These are summarised below.
- A number of planning authorities, planning professionals and third sector respondents suggested that protections should be extended to include the following designated areas and important landscapes:
    - Unlisted buildings in Conservation Areas, for example where residential conversion could have an adverse impact on the character of the historic built environment.

- Designated greenbelt, for example where residential conversion could undermine a plan-led approach to manage pressured land.
- Registered crofts where PDR may result in the break-up and unsustainable development of croft land assets.
- It was noted that listed buildings and scheduled monuments have been removed from designated areas for other PDR, on the basis that Listed Building Consent and Scheduled Monument Consent offer sufficient protection for these sites. It was suggested that proposals would introduce unnecessary inconsistency between different PDRs.
- A private sector respondent suggested that the buildings best suited to conversion to residential use are “vernacular”, and may include listed buildings. It was suggested that proposed protections may leave a shortfall in suitable properties for conversion.

**Q39. Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?**

**Q39a. If you disagree, please explain why.**

3.69 A total of 33 respondents answered Question 39, including 27 organisation respondents and six individuals. Of these 33 respondents, 19 (58%) agreed with the proposal and 14 (42%) disagreed. Those disagreeing were eight public sector respondents, five third sector respondents, and a planning professional.

**Q39. Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>13</b>	<b>14</b>	<b>27</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	9	8	17
<i>Planning authorities</i>	7	7	14
<i>Other public bodies</i>	2	1	3
Planning and other professionals	2	1	3
Private sector	2		2
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>			
Third sector		5	5
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>		1	1
<b>Individuals</b>	<b>6</b>	<b>0</b>	<b>6</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>19</b>	<b>14</b>	<b>33</b>
<b>% of all respondents</b>	<b>58%</b>	<b>42%</b>	<b>100%</b>

3.70 A total of 24 respondents provided written comment at Question 39. This included all 14 of those who disagreed with the proposal, eight of the 19 who agreed, and two who did not answer the closed question. Those who supported proposals indicated that rules would be essential to prevent misuse of PDR, in terms of landowners “gaming” the system, but also minimising the risk of

inappropriate residential development, and over-development of rural areas. Some also noted that they felt that this proposal was preferable to that discussed at Question 33, whereby PDR would be invalidated for 10 years following a residential conversion on a site.

- 3.71 Concerns raised by those objecting to the proposals included that PDR for residential conversion would undermine planning authorities' plan-led approach to rural housing development. This included a suggestion that a plan-led approach can provide additional flexibility for rural housing development, without the need for additional PDR.
- 3.72 A range of public and third sector respondents expressed a view that the proposed 10-year requirement would be insufficient deterrent for developers, relative to the potential financial return on development of five dwellings. It was suggested that development of five dwellings every 10 years could be a significant incentive for developers taking a longer-term view, particularly in the context of low interest rates. This view was supported by reference to examples of landowners choosing to sell farm land in 'lots' to maximise the value, including use of existing PDR for redevelopment.
- 3.73 Some planning authorities and third sector respondents suggested that the proposed rules may be difficult to implement. In particular, some were of the view that authorities may not have access to the information required to determine whether a building has been in continuous agricultural use, for example where the building itself was developed under PDR and where farm holdings have broken up and/or changed ownership in the previous ten years. A planning authority also suggested that the proposed rules do not recognise the characteristic of crofts, where many crofters are not full-time farmers and buildings may be used for non-agricultural purposes. It was suggested that guidance would be required to assist authorities on how rules should be applied in practice.
- 3.74 In contrast to these concerns, a planning authority suggested that proposals may not sufficiently incentivise retention and conversion of traditional steadings, rather than demolish and re-build. It was suggested that this could have significant unplanned impacts on the development of new residential housing in rural areas.
- 3.75 Respondents suggested a range of amendments and additions to proposals to prevent "gaming" of PDR, and identified points for clarification. These are summarised below.
- Clarification is required regarding whether PDR would apply to buildings last used for the purpose of agriculture, but which have since been separated in ownership and use (i.e. are vacant and no longer part of an associated farm holding).
  - The time limit for agricultural use should be extended to 20 years.
  - The ten-year agricultural use stipulation should still apply to buildings built before 5 November 2019.

- The PDR should be limited only to existing buildings at the time legislation is enacted, with scope to review the impact of PDR at a later date and revise the 'effective date' accordingly.

### **Conversion of agricultural buildings to flexible commercial use**

- 3.76 As with conversion of agricultural buildings to residential use, conversion to a commercial use would currently require a full planning application. Scottish Government proposes new PDR for conversion of agricultural and forestry buildings to a range of commercial uses. Specifically, the proposed PDR would allow conversion to a 'flexible' use within the following use classes: class 1 (shops), class 2 (financial, professional and other services), class 3 (food and drink), class 4 (business), class 6 (storage or distribution), or class 10 (non-residential institutions).
- 3.77 Consistent with the PDR proposed for residential conversion, the PDR would be subject to a number of conditions and limitations to minimise the risk of adverse impacts, and prevent misuse:
- Total cumulative floorspace to be changed to flexible commercial use may not exceed 500sqm.
  - Where the cumulative floorspace subject to change of use exceeds 150sqm, PDR would be subject to prior approval. This process would consider design and appearance, contamination risks, noise, transport and highways, and flood risk. If this process identifies impacts that cannot be acceptably mitigated, prior approval may be refused.
  - Where the cumulative floorspace subject to change of use is no more than 150sqm, notification of the planning authority would be required.
  - PDR would not apply to listed buildings or buildings in the site of a scheduled monument.
  - To prevent landowners from erecting agricultural buildings solely for the purposes of subsequent conversion, any building to be converted must have been used for agricultural purposes on or before 5 November 2019, or have been used for agricultural purposes for a continuous period of 10 years.



**Q40. Do you agree with the proposed new PDR for conversion of agricultural buildings to flexible commercial use, including reasonable building operations necessary to convert the building?**

**Q40a. If you disagree, please explain why.**

- 3.78 A total of 35 respondents answered Question 40, including 28 organisation respondents and seven individuals. Of these 35 respondents, 15 (43%) agreed with the proposal and 20 (57%) disagreed. Those disagreeing were 11 public sector respondents, five third sector respondents, a planning professional and a private sector respondent, and two individuals.

**Q40. Do you agree with the proposed new PDR for conversion of agricultural buildings to flexible commercial use, including reasonable building operations necessary to convert the building?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>10</b>	<b>18</b>	<b>28</b>
<b>% of organisations</b>	<b>36%</b>	<b>64%</b>	<b>100%</b>
Public sector	5	11	16
<i>Planning authorities</i>	4	10	14
<i>Other public bodies</i>	1	1	2
Planning and other professionals	2	1	3
Private sector	3	1	4
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>		1	1
Third sector		5	5
<i>Environment/natural heritage</i>		4	4
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>			
<b>Individuals</b>	<b>5</b>	<b>2</b>	<b>7</b>
<b>% of individuals</b>	<b>71%</b>	<b>29%</b>	<b>100%</b>
<b>All respondents</b>	<b>15</b>	<b>20</b>	<b>35</b>
<b>% of all respondents</b>	<b>43%</b>	<b>57%</b>	<b>100%</b>

- 3.79 A total of 31 respondents provided written comment at Question 40. This included the 20 respondents who disagreed with the proposal, seven who agreed, and four who did not answer the closed question. Those who agreed with the proposals noted potential benefits in terms of retaining and re-using traditional buildings, and supporting diversification and sustainability of the rural economy. However, most of those providing comment raised concerns and/or suggested amendment to proposals.
- 3.80 A range of respondents, particularly planning authorities and third sector respondents, expressed concern that proposals undermined the current plan-led approach to managing development in rural areas. This included planning authorities referring to existing policies that inform the location of commercial premises and avoid inappropriate development, such as town-centre first policies for some commercial uses, and specific policies for footfall-generating businesses, including use of active travel. These policies were described as

having been effective in supporting conversion of agricultural buildings and diversification of the rural economy. On this basis, it was suggested that this kind of development requires a genuinely plan-led planning policy, with detailed scrutiny of proposals to manage development.

- 3.81 Respondents also expressed concerns regarding potential for the proposed PDR to allow unsuitable commercial development. This was raised by a range of respondents including planning authorities, planning professionals, third sector respondents and individuals. Some referred to the range of commercial uses included in the proposed PDR, and suggested that these are likely to have differing impact on the local area, and have differing location requirements. Particular concerns were expressed around the impact of the PDR on work to promote sustainable travel, including reference to Scottish Government policy directing planning authorities to locate employment-generating businesses in accessible locations.
- 3.82 Comments relating to the need for careful consideration of agricultural conversions included concerns regarding the potential cumulative impact of commercial development on rural areas. This included reference to impact on the character of rural areas, and potential impact on ecology and archaeology, particularly in designated areas and other sensitive environments such as National Parks, European Sites and greenbelt. As noted above, concerns were also expressed regarding potential impact on transport infrastructure and on increased human disturbance of rural areas through additional travel. A planning authority suggested that these impacts could be greater for commercial uses than residential conversions, noting that proposals could together allow a 1,000sqm building to be converted to provide five dwellings and a commercial unit.
- 3.83 Some respondents also suggested that the range of matters to be considered in relation to conversion to commercial use were such that proposals were unlikely to streamline the current planning process. This included reference to the information required from applicants resource input required from planning authorities (particularly relative to reduced fee income) and time required to properly consider matters proposed for prior approval. A third sector respondent suggested that proposals represent a significant change in the scope and nature of development currently permitted under Class 18 and 22. It was also suggested that the scale of potential impact on the local area would usually warrant more effective public engagement than the prior approval process can provide. In this context, some suggested that the proposed prior approval process was insufficient to consider the full range of matters required.
- 3.84 Respondents identified a number of points for clarification, and suggested amendments to the proposed PDR. These are summarised below.
- Clarification is required regarding whether PDR for conversion of agricultural buildings would permit residential development alongside change of commercial use.
  - Clarification is required on what is to be considered “reasonable building operations” allowed by the PDR.
  - Clarification is required regarding whether a building would be permitted to further change commercial use without planning permission.

- Some wished to see PDR limited to conversion of cumulative floorspace of up to 150sqm, with planning permission required for larger areas.
- PDR should not be applied within military explosive safeguarding zones.

**Q41. Do you agree with the proposed cumulative maximum floorspace (500sqm) that may change use?**

**Q41a. If you disagree, please explain why.**

- 3.85 A total of 30 respondents answered Question 41, including 23 organisation respondents and seven individuals. Of these 30 respondents, 14 (47%) agreed with the proposal and 16 (53%) disagreed. Those disagreeing were 11 planning authorities, a planning professional, a third sector respondent, and three individuals.

**Q41. Do you agree with the proposed cumulative maximum floorspace (500sqm) that may change use?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>10</b>	<b>13</b>	<b>23</b>
<b>% of organisations</b>	<b>43%</b>	<b>57%</b>	<b>100%</b>
Public sector	4	11	15
<i>Planning authorities</i>	3	11	14
<i>Other public bodies</i>	1		1
Planning and other professionals	2	1	3
Private sector	3		3
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>			
Third sector	1	1	2
<i>Environment/natural heritage</i>	1		1
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>			
<b>Individuals</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>% of individuals</b>	<b>57%</b>	<b>43%</b>	<b>100%</b>
<b>All respondents</b>	<b>14</b>	<b>16</b>	<b>30</b>
<b>% of all respondents</b>	<b>47%</b>	<b>53%</b>	<b>100%</b>

- 3.86 A total of 22 respondents provided written comment at Question 41. This included 15 who disagreed with the proposal, six who agreed, and one who did not answer the closed question. Those who agreed felt that this was a reasonable scale for commercial use, and would be sufficient to support economic diversification. However, some of those in agreement raised concerns around the suitability of the size limit in some areas, and most of those providing comment expressed concerns and/or suggested amendment.
- 3.87 The most common concern expressed by those who disagreed with the proposal was that 500sqm is a significant size for commercial premises in a rural environment, and could have a significant impact on the local area. This included reference to impact on the character of the local area, ecological impacts, and the impact of additional travel generated. The impact of additional travel included reference to the size limit being sufficient to allow employment-generating commercial use, and potential for additional delivery/collection by HGVs. In this context, some noted that current local planning policy would limit the impact of development, for example by directing specific commercial uses to suitable locations. It was also suggested that justification had not been provided for the specific size limit.

- 3.88 Concerns regarding the potential impact of commercial premises of this size were also reflected in some respondents suggesting that PDR should be limited in some designated areas and other sensitive landscapes. This included reference to National Parks, greenbelt and heritage assets.
- 3.89 Some respondents also raised concerns regarding the extent to which the proposed size limit could be enforced. This included potential difficulties determining when use was changed and in defining a single farm unit to prevent over-development, for example by incentivising subdivision of farms.
- 3.90 Respondents suggested some specific amendments to the proposed size limit. This included a preference for a “much lower” size threshold, and potential for a lower size limit to be applied in National Parks.

**Q42. Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters where the cumulative floorspace changing use exceeds 150sqm?**

**Q42a. If you disagree, please explain why.**

- 3.91 A total of 33 respondents answered Question 42, including 25 organisation respondents and eight individuals. Of these 33 respondents, 17 (52%) agreed with the proposal and 16 (48%) disagreed. Those disagreeing were nine planning authorities, two third sector respondents, a planning professional, a private sector respondent, and three individuals.

**Q42. Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters where the cumulative floorspace changing use exceeds 150sqm?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>12</b>	<b>13</b>	<b>25</b>
<b>% of organisations</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>
Public sector	6	9	15
<i>Planning authorities</i>	4	9	13
<i>Other public bodies</i>	2		2
Planning and other professionals	2	1	3
Private sector	3	1	4
<i>Digital telecoms</i>			
<i>Rural economy</i>	2	1	3
<i>Other</i>	1		1
Third sector	1	2	3
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>5</b>	<b>3</b>	<b>8</b>
<b>% of individuals</b>	<b>63%</b>	<b>38%</b>	<b>100%</b>
<b>All respondents</b>	<b>17</b>	<b>16</b>	<b>33</b>
<b>% of all respondents</b>	<b>52%</b>	<b>48%</b>	<b>100%</b>

- 3.92 A total of 27 respondents provided written comment at Question 42. This included all 16 of those who disagreed with the proposal, seven who agreed, and four who did not answer the closed question. Those who agreed suggested that prior notification/ prior approval should be necessary to limit any adverse impacts, although some suggested that Scottish Government guidance would be

required to support planning authorities, for example in defining “reasonable building operations”.

- 3.93 For those opposed to the proposal, the most common reason cited was an objection to use of PDR for conversion to commercial use. A range of planning authorities, planning professionals third sector respondents and individuals suggested that this kind of development required full planning scrutiny, meaning that any conversion with a cumulative floorspace of more than 150sqm should require submission of a full planning application. However, some felt that the 150sqm threshold was “arbitrary”, and that development below this size could still have a significant impact.
- 3.94 It was also suggested that insufficient scrutiny of cases could be a particular concern in designated areas and other sensitive landscapes, such as Wild Land. Limited scope for public engagement was also highlighted, with a third sector respondent noting that proposals would permit a significant change at the boundary of a third party’s property, with the third party having no prior knowledge nor opportunity to comment.
- 3.95 Respondents also raised concerns that the range of matters to be considered through prior notification/ prior approval is such that it is unlikely to streamline the current process and would place a significant administrative burden on planning authorities. This included a suggestion that fees should be reviewed to ensure full cost recovery for planning authorities.
- 3.96 Respondents identified a range of points for clarification and suggested amendments to proposals. These are summarised below.
- Clarification is required regarding whether converted premises would be permitted to further change use within the range of uses specified by the proposed PDR.
  - The size threshold is reduced to 50sqm or removed such that prior approval is required for all conversions to flexible commercial use.
  - Changing the size threshold such that prior notification/ prior approval only applies to cumulative sizes above 250sqm.

**Q43. Do you agree with the proposed range of matters that would be the subject of prior notification/prior approval?**

**Q43a. If you disagree, please explain why.**

- 3.97 A total of 31 respondents answered Question 43, including 25 organisation respondents and six individuals. Of these 31 respondents, 13 (42%) agreed with the proposal and 18 (58%) disagreed. Those disagreeing were 10 planning authorities, three third sector respondents, two planning professionals and a private sector respondent, and two individuals.

**Q43. Do you agree with the proposed range of matters that would be the subject of prior notification/prior approval?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>9</b>	<b>16</b>	<b>25</b>
<b>% of organisations</b>	<b>36%</b>	<b>64%</b>	<b>100%</b>
Public sector	5	10	15
<i>Planning authorities</i>	4	10	14
<i>Other public bodies</i>	1		1
Planning and other professionals	1	2	3
Private sector	2	1	3
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>		1	1
Third sector	1	3	4
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>			
<b>Individuals</b>	<b>4</b>	<b>2</b>	<b>6</b>
<b>% of individuals</b>	<b>67%</b>	<b>33%</b>	<b>100%</b>
<b>All respondents</b>	<b>13</b>	<b>18</b>	<b>31</b>
<b>% of all respondents</b>	<b>42%</b>	<b>58%</b>	<b>100%</b>

- 3.98 A total of 30 respondents provided written comment at Question 43. This included all 18 respondents who disagreed with the proposal, six who agreed, and six who did not answer the closed question. Those who agreed suggested that the proposed range of matters was required to ensure proper consideration of each case. However, some of those in agreement suggested that the significant range of matters being proposed reinforced their view that a full planning application should be required.
- 3.99 Those opposed to the proposal included some planning authorities and third sector respondents who suggested that the range of matters proposed is equivalent to a full planning application. These respondents referred to significant resource implications for planning authorities (suggesting a review of fees to ensure full cost recovery) and that the information required from applicants would also be similar to that for a full planning application.
- 3.100 Reference to the specific matters proposed included some suggestions that these were not sufficiently tailored to the range of commercial uses, including reference to potential differences in matters to be considered dependent on the specific use class under consideration. Some saw a need for Scottish

Government guidance regarding the specific points to be considered through prior notification/ prior approval, to ensure a consistent approach across the country.

3.101 Respondents identified a range of points for clarification and other matters to be considered by the prior notification/ prior approval process. These are summarised below.

- Clarification is required regarding potential development outwith the curtilage of the agricultural building, for example for access arrangements, drainage or water supply, and whether this would be considered development in its own right.
- Clarification is required regarding whether there will be scope to apply conditions to permission secured through prior approval.
- Clarification is required regarding whether external cladding of a building may be permitted to improve appearance, even if this would extend beyond the existing building.
- Clarification is required regarding whether the prior notification/ prior approval process would allow consideration of relevant LDP policy.

3.102 Additional matters suggested by respondents were:

- Transport and highways to include consideration of access arrangements traffic impacts on private roads, adopted roads access 8, sustainable and active travel, a requirement to consult with the relevant roads authority, and parking requirements.
- Design and appearance to include signage, fencing and other external equipment, and external lighting.
- Environmental protection and enhancement, including protection for habitats, contribution to biodiversity, protected species.
- Air quality, noise and odour.
- Archaeological assessment, Standing Building Surveys, architectural assessment, and record of the original building if vernacular.
- Suitability of water supply and foul drainage.
- Flood risk.
- Landscape integration.
- Compatibility of residential and commercial uses on a single site, where relevant.
- Impact on neighbouring residential amenity and other existing uses.
- Operating hours.



- Retail impact on settlements and town centres.
- Confirmation that the building to be converted is redundant for agricultural purposes.
- Proximity to existing or permitted wind turbines.
- Mineral Resource Safeguarding and the Agent of Change principle.
- It was suggested that contamination is less relevant to conversion to commercial use.

**Q44. Do you agree with the proposed protection for listed buildings and scheduled monuments?**

**Q44a. If you disagree, please explain why.**

3.103 A total of 26 respondents answered Question 44, including 22 organisation respondents and four individuals. Of these 26 respondents, 25 (96%) agreed with the proposal and one (4%) disagreed. The only respondent who disagreed was a planning authority.

**Q44. Do you agree with the proposed protection for listed buildings and scheduled monuments?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>21</b>	<b>1</b>	<b>22</b>
<b>% of organisations</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>
Public sector	13	1	14
<i>Planning authorities</i>	13	1	14
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector	2		2
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>			
Third sector	3		3
<i>Environment/natural heritage</i>	2		2
<i>Community Councils/representative groups</i>			
<i>Other</i>	1		1
<b>Individuals</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>1</b>	<b>26</b>
<b>% of all respondents</b>	<b>96%</b>	<b>4%</b>	<b>100%</b>

3.104 Thirteen respondents provided written comment at Question 44. This included the respondent who disagreed with the proposal, nine who agreed, and three who did not answer the closed question. Those who agreed referred to the importance of limiting PDR in terms of protecting important cultural heritage assets, and recognising the more detailed assessment required in these cases.

3.105 Those providing comment included some who felt that proposed protection for conversion of listed buildings or where the site contains a scheduled monument does not recognise the impact of buildings adjacent to sites of cultural

importance. It was suggested that conversion of agricultural buildings adjacent to scheduled monuments could have a significant impact on the character of the site and that PDR should include provision to prevent the parameters of a site being simply redrawn to exclude listed buildings or scheduled monuments.

- 3.106 A public body noted that listed buildings and scheduled monuments have been removed from designated areas for other PDR, on the basis that Listed Building Consent and Scheduled Monument Consent offer sufficient protection for these sites. It was suggested that proposals would introduce unnecessary inconsistency between different PDRs.
- 3.107 A private sector respondent suggested that the buildings best suited to conversion may include listed buildings, such that proposed protections may leave a shortfall in suitable properties for conversion.
- 3.108 A number of planning authorities suggested that protections should be extended to include the following designated areas and important landscapes:
- Unlisted buildings in Conservation Areas.
  - SSSIs and European Sites.
  - Designated greenbelt.
  - Registered crofts.

**Q45. Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?**

**Q45a. If you disagree, please explain why.**

- 3.109 A total of 33 respondents answered Question 45, including 26 organisation respondents and seven individuals. Of these 33 respondents, 20 (61%) agreed with the proposal and 13 (39%) disagreed. Those disagreeing were eight public sector respondents, four third sector respondents and an individual.

**Q45. Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>14</b>	<b>12</b>	<b>26</b>
<b>% of organisations</b>	<b>54%</b>	<b>46%</b>	<b>100%</b>
Public sector	9	8	17
<i>Planning authorities</i>	7	7	14
<i>Other public bodies</i>	2	1	3
Planning and other professionals	3		3
Private sector	2		2
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>			
Third sector		4	4
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>			
<b>Individuals</b>	<b>6</b>	<b>1</b>	<b>7</b>
<b>% of individuals</b>	<b>86%</b>	<b>14%</b>	<b>100%</b>
<b>All respondents</b>	<b>20</b>	<b>13</b>	<b>33</b>
<b>% of all respondents</b>	<b>61%</b>	<b>39%</b>	<b>100%</b>

- 3.110 A total of 19 respondents provided written comment at Question 45. This included all 13 of those who disagreed with the proposal, and six of the 20 who agreed. Those who agreed highlighted the potential impact of misuse of PDR and felt it was essential that controls are introduced to prevent this. However, some of those in agreement raised queries regarding how proposals would be implemented, and most of those providing comment raised concerns or suggested amendment to proposals.
- 3.111 The most common concern raised by those opposed to proposals was a view that the proposed 10-year requirement would be an insufficient deterrent for developers, relative to the potential financial return on conversion to commercial use. This included a mix of planning authorities, other public bodies and third sector respondents. While some felt that the financial incentive may be less than that for conversion to residential use, some suggested that a 500sqm commercial development remained a significant incentive for developers able to take a longer-term view. This was supported with reference to examples of landowners selling farm land in 'lots' to maximise the value, including use of existing PDR for redevelopment.
- 3.112 Some public sector respondents referred to proposals as potentially undermining the current plan-led approach to controlling development in rural areas, suggesting that proposals would make future development unpredictable. Some planning authorities also suggested that proposed rules may be difficult to implement. This included calls for Scottish Government guidance to assist planning authorities, recognising that they are unlikely to have access to the information necessary to determine whether a building has been in continuous agricultural use. A planning authority also suggested that proposals do not recognise that many buildings on crofts will have multiple uses, including use for non-agricultural purposes.

3.113 Respondents suggested a range of amendments and additions to proposals to prevent “gaming” of PDR, and identified points for clarification. These are summarised below.

- Clarification is required regarding whether PDR would apply to buildings last used for the purpose of agriculture, but which have since been separated in ownership and use (i.e. are vacant and no longer part of an associated farm holding).
- Clarification is required regarding whether buildings will be permitted to convert to other commercial use classes, after the original commercial use has been implemented.
- The time limit for agricultural use should be extended beyond 10 years.
- The 10-year agricultural use stipulation should still apply to buildings built before 5 November 2019.
- PDR should be limited only to existing buildings at the time legislation is enacted.
- PDR should require the applicant to demonstrate that buildings to be converted are genuinely redundant.
- Where new buildings are not used for agricultural purposes for a set period of time, they must be removed.

### **Conversion of Forestry Buildings**

3.114 Scottish Government proposes introducing a new PDR for conversion of forestry buildings to residential and various commercial uses, in parallel to those proposed for conversion of agricultural buildings. It is proposed that the same conditions and limitations would apply to conversion of forestry buildings, insofar as they are relevant.

**Q46. Do you agree that we should take forward separate PDRs for the conversion of forestry buildings to residential and commercial uses?**

**Q46a. If you disagree, please explain why.**

3.115 A total of 31 respondents answered Question 46, including 24 organisation respondents and seven individuals. Of these 31 respondents, 14 (45%) agreed with the proposal and 17 disagreed. Those disagreeing were nine planning authorities, three third sector respondents, two planning professionals, a private sector respondent, and two individuals.

**Q46. Do you agree that we should take forward separate PDRs for the conversion of forestry buildings to residential and commercial uses?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>9</b>	<b>15</b>	<b>24</b>
<b>% of organisations</b>	<b>38%</b>	<b>63%</b>	<b>100%</b>
Public sector	6	9	15
<i>Planning authorities</i>	5	9	14
<i>Other public bodies</i>	1		1
Planning and other professionals	1	2	3
Private sector	2	1	3
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>		1	1
Third sector		3	3
<i>Environment/natural heritage</i>		3	3
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>5</b>	<b>2</b>	<b>7</b>
<b>% of individuals</b>	<b>71%</b>	<b>29%</b>	<b>100%</b>
<b>All respondents</b>	<b>14</b>	<b>17</b>	<b>31</b>
<b>% of all respondents</b>	<b>45%</b>	<b>55%</b>	<b>100%</b>

- 3.116 A total of 23 respondents provided written comment at Question 46. This included all 17 who disagreed with the proposal, one who agreed, and five who did not answer the closed question. Few respondents provided comment in support of the proposed PDR for conversion of forestry buildings. However, some suggested that considerations are likely to be similar to those for agricultural buildings, such that the PDR for agricultural buildings could be applied to forestry buildings.
- 3.117 Most of those providing comment indicated that they objected to PDR for conversion of forestry buildings on the same basis as their objection to conversion of agricultural buildings. This was particularly the case for planning authorities, planning professionals and third sector respondents objecting to the proposal. This included specific reference to the potential impact of the PDR in terms of allowing unsustainable development (not plan-led), potentially significant impact on habitat and biodiversity as a result of increased human disturbance, impact on the historic environment, impact on visual amenity, and impact on mineral extraction. It was also suggested that the proposed PDR would be open to abuse in the same way as PDR for conversion of agricultural buildings.
- 3.118 In terms of the potential impact of conversion of forestry buildings, some suggested that this could be more significant than for conversion of agricultural buildings. This included reference to forestry buildings often being in remote locations, enclosed by forestry and habitat, and served only by a forestry track. However, a planning professional indicated that they were opposed to PDR for conversion to residential use, but may support conversion to commercial use for buildings that are genuinely redundant.
- 3.119 Respondents identified some points for clarification and amendments to proposals. These are summarised below.

- Clarification is required regarding the buildings that would be included in the PDR – for example whether a sawmill is classified as industrial or forestry use.
- Concern was expressed regarding potential difficulty in defining a forestry “unit” for the purposes of PDR, and in defining the curtilage of a building.
- PDR should not apply to military safeguarding zones.

**Q47. Do you agree that the same conditions and limitations proposed in respect of the PDR for the conversion of agricultural buildings should apply to any separate PDR for the conversion of forestry buildings, insofar as relevant?**

**Q47a. If you disagree, please explain why.**

3.120 A total of 33 respondents answered Question 47, including 25 organisation respondents and eight individuals. Of these 33 respondents, 13 (39%) agreed with the proposal and 20 (61%) disagreed. Those disagreeing were 10 planning authorities, four third sector respondents, two planning professionals and a private sector respondent, and three individuals.

**Q47. Do you agree that the same conditions and limitations proposed in respect of the PDR for the conversion of agricultural buildings should apply to any separate PDR for the conversion of forestry buildings, insofar as relevant?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>8</b>	<b>17</b>	<b>25</b>
<b>% of organisations</b>	<b>32%</b>	<b>68%</b>	<b>100%</b>
Public sector	5	10	15
<i>Planning authorities</i>	3	10	13
<i>Other public bodies</i>	2		2
Planning and other professionals	1	2	3
Private sector	1	1	2
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>		1	1
Third sector	1	4	5
<i>Environment/natural heritage</i>	1	3	4
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>			
<b>Individuals</b>	<b>5</b>	<b>3</b>	<b>8</b>
<b>% of individuals</b>	<b>63%</b>	<b>38%</b>	<b>100%</b>
<b>All respondents</b>	<b>13</b>	<b>20</b>	<b>33</b>
<b>% of all respondents</b>	<b>39%</b>	<b>61%</b>	<b>100%</b>

3.121 A total of 28 respondents provided written comment at Question 47. This included 19 who disagreed with the proposal, five who agreed, and four who did not answer the closed question. Those who agreed were of the view that the set of restrictions proposed for conversion of agricultural buildings would be applicable to forestry buildings. It was also suggested that there may be benefit in retaining consistency between the two sets of PDRs, unless there is good reason to do otherwise.

- 3.122 For those objecting to the proposal, this was most commonly stated with reference to objections raised in relation to PDR for conversion of agricultural buildings. A mix of planning authorities, planning professionals and third sector respondents stated this. In addition, some indicated that they objected to the principle of PDR being applied to conversion of forestry buildings.
- 3.123 In terms of specific issues raised, these were most commonly related to the prior approval process and the range of matters to be considered. Some suggested that the proposed process would be insufficient to avoid adverse impacts on landscape and visual amenity, ecological and biodiversity. Reference was also made to impact on minerals extraction. Some of these concerns appeared to reflect a wider concern that extending PDR to conversion of forestry buildings would result in unsuitable residential and commercial development. It was suggested that the typical location of forestry buildings is less suitable for residential or commercial use than is the case for agricultural buildings. This included reference to forestry buildings being isolated, with poor transport links and often limited basic welfare facilities. It was also noted that forestry buildings are less likely to incorporate an existing residential element.
- 3.124 Other concerns and suggestions regarding the application of the same conditions and limitations to PDR for conversion of agricultural and forestry buildings are summarised below.
- Some suggested that the proposed limitations would not be sufficient to prevent misuse of PDR for conversion of forestry buildings. This included a suggestion that PDR should be applied only to vernacular buildings, as a means of preventing misuse.
  - It was recommended that additional provision would be required to prevent conversion of forestry buildings on the boundary of listed buildings and scheduled monuments.
  - It was suggested that the lower size threshold should be removed, such that prior approval applies to conversion of all forestry buildings.
  - Some saw a need for guidance on how a “forestry unit” is to be defined, against which limits would be applied.
  - Clarification is required as to whether the two PDRs would be additive, such that PDR would permit an agricultural unit incorporating forestry buildings to create five dwellings through conversion of an agricultural building, plus another five dwellings through conversion of a forestry building.

## **Polytunnels**

- 3.125 Structures comprising a series of supports covered with polythene or other translucent material, polytunnels create a warmer micro-climate and can help to extend the growing season for certain fruit or vegetable plants. Polytunnels vary considerably in scale and permanence, from relatively small temporary structures that may only be used for part of the year, to permanent buildings covering multiple hectares. The planning status of polytunnels varies accordingly, ranging from small temporary structures which may not be classified as ‘development’, to larger structures which may require a full planning application.

3.126 PDR proposed for larger agricultural buildings (see Questions 29 to 33) would permit larger polytunnels, insofar as they constitute agricultural buildings. Scottish Government is not proposing a bespoke PDR for polytunnels, but rather propose the following amendment to clarify their planning status:

- Amending fees regulations to clarify appropriate fees for polytunnels.
- New guidance clarifying PDR under which polytunnels may be erected.
- New guidance to be taken into account where a polytunnel proposal requires a planning application, highlighting the weight to be given to their economic and agricultural benefits.

**Q48. Do you agree with our proposed approach to providing greater clarity as to the planning status of polytunnels?**

**Q48a. If you disagree, please explain why.**

3.127 A total of 28 respondents answered Question 48, including 23 organisation respondents and five individuals. Of these 28 respondents, 25 (89%) agreed with the proposal and three (11%) disagreed. Those who disagreed were two third sector respondents and a planning professional.

**Q48. Do you agree with our proposed approach to providing greater clarity as to the planning status of polytunnels?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>20</b>	<b>3</b>	<b>23</b>
<b>% of organisations</b>	<b>87%</b>	<b>13%</b>	<b>100%</b>
Public sector	13		13
<i>Planning authorities</i>	11		11
<i>Other public bodies</i>	2		2
Planning and other professionals	2	1	3
Private sector	2		2
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>			
Third sector	3	2	5
<i>Environment/natural heritage</i>	1	1	2
<i>Community Councils/representative groups</i>	2		2
<i>Other</i>		1	1
<b>Individuals</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>25</b>	<b>3</b>	<b>28</b>
<b>% of all respondents</b>	<b>89%</b>	<b>11%</b>	<b>100%</b>

3.128 Nineteen respondents provided written comment at Question 48. This included the three who disagreed with the proposal, 12 who agreed, and four who did not answer the closed question. Those who agreed reiterated the need for clarity on polytunnels, welcoming guidance on their planning status and the review of fees.

3.129 Among the respondents who were opposed to proposals for polytunnels, a planning professional and a third sector respondent wished to see the GPDO amended to recognise use of polytunnels by non-commercial growers, including community growing. These respondents noted that Class 18 currently only



applies to polytunnels (and other agricultural buildings) on land used for trade or business, and wished to see this restriction removed. It was also recommended that the minimum holding size is removed to allow flexibility for smaller projects.

- 3.130 These respondents also wished to see a specific PDR for small-scale polytunnels. It was recommended that this could incorporate an upper size restriction (suggested at 12ft x 30ft) such that larger structures continue to be considered under prior notification or through a planning application, although it was also suggested that PDR could include larger polytunnels up to the size permitted in Class 18, subject to prior notification procedures.
- 3.131 Some third sector respondents objected to proposals on the grounds that additional protection is required to prevent erection of polytunnels causing damage to archaeological sites. It was suggested that robust mitigation measures should be introduced alongside clarification of the planning status of polytunnels, to encourage best practice in relation to non-designated archaeology.
- 3.132 In addition to these specific objections to proposals for polytunnels, respondents identified a number of points for clarification including:
- Guidance should define when a polytunnel becomes a “material operation” comprising development.
  - Guidance should take account of issues of landscape impact, permanence, method of heating, need and impact on private water supplies.
  - Guidance should highlight the potential requirement for scheduled monument consent, and encourage best practice more generally in relation to non-designated archaeology.
- 3.133 A more relaxed regime was also recommended for polytunnels, removing the minimum distance from roads, increasing their maximum permitted area to greater than 1,000sqm, and removing the link between maximum permitted area and the size of the landholding.

## 4 Peatland Restoration

- 4.1 The third development type considered by the consultation paper was development related to peatland restoration. The intention with PDR is to provide clarity on the planning position for peatland restoration projects. The questions focus on each aspect of the PDR in turn – the definitions, the basic grant of planning permission, the restrictions and conditions that apply to it.

### The General Approach to PDR for Peatland Restoration

- 4.2 It is proposed that wide ranging PDR should be granted for restoration projects delivered by Peatland Action or validated under the Peatland Code. Projects proceeding without a significant degree of scrutiny via these routes are thought to be unlikely.

**Q49. Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?**

**Q49a. If you disagree, please explain why.**

- 4.3 A total of 24 respondents answered the closed element at Question 49, including 22 organisation respondents and two individuals. Of these 24 respondents, 23 (96%) agreed with the proposal and one (4%) disagreed. The only respondent who disagreed was a third sector respondent.

**Q49. Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>21</b>	<b>1</b>	<b>22</b>
<b>% of organisations</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>
Public sector	10		10
<i>Planning authorities</i>	9		9
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	5		5
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>	2		2
Third sector	4	1	5
<i>Environment/natural heritage</i>	4	1	5
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>23</b>	<b>1</b>	<b>24</b>
<b>% of all respondents</b>	<b>96%</b>	<b>4%</b>	<b>100%</b>

- 4.4 In total, 19 respondents provided a further comment, of whom 14 had agreed at the closed question, one had disagreed and four had not answered.

- 4.5 Those who agreed with the general approach often made only brief additional comments including expressions of support. However, as some added caveats reflecting concerns also raised by those who disagreed or did not answer the question, all comments are considered together below.
- 4.6 General comments included a call for clarity on what constitutes peatland restoration and on whether PDR would apply only to projects overseen by Peatland Action or additionally to those carried out in accordance with the Peatland Code. The legal status of Peatland Action and the Peatland Code was also queried, and it was suggested regulation could be rationalised and incorporated in a legal and enforceable framework.
- 4.7 Projects assessed by Peatland Action. PDR was welcomed for projects overseen by Peatland Action. It was observed that the detail required for such projects covers issues likely to be addressed by the planning process and that public funding provides a mechanism for scrutiny. Ensuring that the scrutiny/acceptance of a scheme by Peatland Action is confirmed before PDR can apply was also suggested.
- 4.8 Projects covered by the Peatland Code. However, some respondents noted that they would not support PDR under the Peatland Code or suggested that the code in its current form may not be fit for purpose in relation to detailed restoration proposals. It was noted that the Peatland Code is a voluntary scheme with a focus on carbon sequestration, and it was argued that it does not provide sufficient guidance on the historic environment to enable robust mitigation of impacts. The absence of representation from the historic environment sector on the current Peatland Code Executive Board and Technical Advisory Board was also noted.
- 4.9 Suggestions with respect to the Peatland Code were that:
- Projects under the code should be subject to prior notification.
  - The code should be expanded to include requirements for assessment of effects on the historic environment, and the identification and delivery of mitigation measures where necessary.
  - The code should be updated for restoration.
  - Compliance with an updated code should be a PDR requirement or criterion.
- 4.10 Projects covered by neither Peatland Action nor the Peatland Code. Respondents also commented on the possibility of PDR for restoration projects neither overseen by Peatland Action nor complying with the Peatland Code. In such cases it was argued that scrutiny of projects should be through the prior notification/prior approval process or that projects not going through either channel would need to be reviewed.

- 4.11 All peatland restoration. There were also calls for a prior notification/ prior approval system to be followed for all restoration projects. Further, it was argued that where the risk of damaging development is higher, or in historic environment Designated Areas there should be no PDR. Designated areas are covered further at Question 52.
- 4.12 Other points on the general approach included that a process will be required to check PDR is only applied to genuine peatland restoration schemes and to exclude schemes deemed not genuine. Some form of notification to the planning application was thought to be helpful, particularly in responding to community concerns in relation to the works. The status of existing restoration schemes already approved as part of ongoing or historical permissions for extraction was also queried.
- 4.13 The production of best practice guidance or a code of practice on PDR for peatland restoration was also suggested, and that this should be collaboration with relevant stakeholders, including local authorities, the Association of Local Government Archaeological Officers and Historic Environment Scotland. Peatland Action's existing good practice procedures were suggested as suitable basis for such guidance.

### **Defining the Permitted Development Rights for Peatland Restoration**

- 4.14 Definitions of 'peatland' are often highly technical and there is neither a single, overarching approval process for all peatland restoration, nor adequate maps of peatland areas to which PDR can be attached. The intention is therefore that PDR will rely on a general understanding of what constitutes peatland and 'peatland restoration' without further definition.

**Q50. Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?**

**Q50a. If you disagree, please explain why.**

- 4.15 A total of 23 respondents answered the closed element at Question 50, including 21 organisation respondents and one individual. Of these 23 respondents, 19 (83%) agreed with the proposal and four (17%) disagreed. Those who disagreed were two planning professional respondents, a third sector respondent and an individual respondent.

**Q50. Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>18</b>	<b>3</b>	<b>21</b>
<b>% of organisations</b>	<b>86%</b>	<b>14%</b>	<b>100%</b>
Public sector	11		11
<i>Planning authorities</i>	9		9
<i>Other public bodies</i>	2		2
Planning and other professionals		2	2
Private sector	3		3
<i>Digital telecoms</i>			
<i>Rural economy</i>	3		3
<i>Other</i>			
Third sector	4	1	5
<i>Environment/natural heritage</i>	4	1	5
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>% of individuals</b>	<b>50%</b>	<b>50%</b>	<b>100%</b>
<b>All respondents</b>	<b>19</b>	<b>4</b>	<b>23</b>
<b>% of all respondents</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>

- 4.16 In total, 14 respondents provided a further comment, of whom nine had agreed with the proposed change, four had disagreed and one had not answered the closed question.
- 4.17 Among respondents who agreed, three environment/natural heritage organisations observed that, rather than a narrow definition of peatland they would favour use of a broad ecological definition, with two noting that they did not think this needed to be specified within the GPDO. It was also suggested both that a narrower or more technical definition could complicate or obstruct restoration work on some peatland and that the approach is sensible as there is no legal definition of peatland.
- 4.18 A planning authority respondent noted their assumption that where there is public funding due diligence would be undertaken to ensure that proposals fall within the definition of peatland. They went on to suggest NatureScot should include peatlands worthy of restoration into the classification for areas needing protection and testing through the LDP process.
- 4.19 Respondents who disagreed or did not answer the closed question argued that a definition - even if broad - is needed, or that without one, PDR is open to interpretation, dispute, unintended consequences, or potential misuse.
- 4.20 A planning professional respondent suggested that a written definition is required for PDR purposes and that this could be linked to the mechanism they proposed at the previous question to exclude schemes not deemed genuine from the PDR process.

**Q51. Do you agree with this approach to a blanket PDR for ‘peatland restoration’?****Q51a. If you disagree, please explain why.**

- 4.21 A total of 19 respondents answered the closed element at Question 51, including 18 organisation respondents and one individual. Of these 19 respondents, 13 (68%) agreed with the proposal and six (32%) disagreed. Those who disagreed were three third sector respondents, two planning professionals and one planning authority.

**Q51. Do you agree with this approach to a blanket PDR for ‘peatland restoration’?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>12</b>	<b>6</b>	<b>18</b>
<b>% of organisations</b>	<b>67%</b>	<b>33%</b>	<b>100%</b>
Public sector	8	1	9
<i>Planning authorities</i>	7	1	8
<i>Other public bodies</i>	1		1
Planning and other professionals	1	2	3
Private sector	2		2
<i>Digital telecoms</i>			
<i>Rural economy</i>	2		2
<i>Other</i>			
Third sector	1	3	4
<i>Environment/natural heritage</i>	1	3	4
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>13</b>	<b>6</b>	<b>19</b>
<b>% of all respondents</b>	<b>68%</b>	<b>32%</b>	<b>100%</b>

- 4.22 In total, 12 respondents provided a further comment, of whom three had agreed with the proposed approach, six had disagreed and three had not answered the closed question.
- 4.23 As those who agreed and commented all added caveats to their approval including points also raised by those who disagreed or did not answer the closed question, all comments are considered together below.
- 4.24 Most suggestions concerned the need for a broad definition of peatland restoration in order to provide clarity or to avoid disputes. Specific suggestions were:

*‘Operations to return peatland to ecologically functioning, carbon sequestering peatland.’*

*‘Works carried out with the primary intention of restoring damaged peatland to increase carbon sequestration and improve environmental outcomes.’*

*‘Works carried out with the primary intention of restoring damaged peatland to allow increased carbon sequestration through restoring active peat formation.’*

- 4.25 A need for written and map-based guidance/criteria to help define areas suitable for peatland restoration was argued and that this could help 'score' the suitability of land for peatland restoration with PDR then applying for good sites but not for marginal sites.
- 4.26 Setting out specific criteria such as a minimum threshold in terms of peat depth or area was suggested and that operations covered by a new PD class should be specified. With respect to the latter 'carrying out of works, including engineering operations, requisite for peat restoration' was proposed and that this should include operations such as ditch blocking, earth moving, dam or bund building, works to stabilise bare peat and land re-profiling.
- 4.27 Suggestions were also made with respect to oversight, including:
- A Peatland Code, applicable in all cases to which the PDR applies.
  - Oversight arrangements with involvement from SEPA and NatureScot.
  - A light touch consultation process (as for new forestry planting proposals) providing an opportunity for the planning authority to highlight any relevant constraints that should be considered in the authorisation of the project via Peatland Action/Peatland Code.
  - A prior notification process would also ensure that planning authorities are aware of works when they do commence and would assist them in efficiently addressing any enforcement.
- 4.28 Concerns were raised with respect to potential impacts on the historical environment with a suggestion that specific good practice guidance on peatland restoration and archaeology is required in order to promote proper management of risks to the historic environment in the course of peatland restoration works.
- 4.29 A potential for conflict between policy on peatland restoration and control of woodland removal was also highlighted.

## **Conditions and restrictions on PDR for Peatland Restoration**

### ***Designated Areas***

- 4.30 The Sustainability Appraisal identified potential loss of, or damage to, archaeological and cultural artefacts as a concern in relation to peatland restoration, and suggested prior notification/prior approval in designated areas. However, since Peatland Action already considers historical, cultural and archaeological interests and Peatland Code applicants could be required to prepare statements that include consideration of historical, cultural and archaeological heritage, it is not proposed to have restrictions or requirements in particular designated areas regarding peatland PDR.

**Q52. Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?**

**Q52a. If you disagree, please explain why.**

- 4.31 A total of 19 respondents answered the closed element at Question 52, including 18 organisation respondents and one individual. Of these 19 respondents, 12 (63%) agreed with the proposal and seven (37%) disagreed. Those who disagreed were three planning authorities, a planning professional respondent, an other public body respondent, a third sector respondent and an individual respondent.

**Q52. Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>12</b>	<b>6</b>	<b>18</b>
<b>% of organisations</b>	<b>67%</b>	<b>33%</b>	<b>100%</b>
Public sector	6	4	10
<i>Planning authorities</i>	6	3	9
<i>Other public bodies</i>		1	1
Planning and other professionals	2	1	3
Private sector	1		1
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	3	1	4
<i>Environment/natural heritage</i>	3	1	4
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>12</b>	<b>7</b>	<b>19</b>
<b>% of all respondents</b>	<b>63%</b>	<b>37%</b>	<b>100%</b>

- 4.32 In total, 14 respondents provided a further comment, of whom four had agreed with the proposal, seven had disagreed and three had not answered the closed question.
- 4.33 Those who agreed and provided further comment sometimes noted this approval to be subject to conditions they had proposed at earlier questions, including PDR being subject to oversight or to PDR applying to projects overseen by Peatland Action but not those covered by the Peatland Code.
- 4.34 Among those who disagreed, several respondents argued in favour of prior notification/prior approval in designated areas, as suggested by the Sustainability Appraisal. As at Question 49, differences in the type of oversight provided by Peatland Action and the Peatland Code were highlighted and it was suggested that the Peatland Code should require considerations of historical, cultural and archaeological heritage as a matter of course. The possibility that some projects



might not be overseen by Peatland Action or compliant with the Peatland Code was also raised.

- 4.35 Further, it was noted that many archaeological sites are unrecorded and therefore not designated. It was therefore argued that a proportionate approach to predicting the likelihood that archaeological heritage assets will be encountered during works must be considered, even in the absence of designated assets/areas or that the prior notification/ prior approval system should also cover development in undesignated areas.
- 4.36 Prior approval for projects not coming forward through Peatland Action and the good practice guidance were both suggested as necessary to provide additional mitigation. It was also recommended that PDR should not apply within historic environment designated areas where, as a minimum, the prior notification/ prior notification process should apply.
- 4.37 Since undesignated assets fall outwith the remit of Historic Environment Scotland, a risk of damage to such assets even with oversight from Peatland Action was also suggested. The planning authority respondent making this point argued that Peatland Scotland should either expand collaborative working to include local authority archaeology services or the Association of Local Government Archaeological Officers.

#### ***Access Tracks (Private Ways)***

- 4.38 Where peatland restoration sites are remote from existing roads and tracks, restoration projects may require a new access track. Although the Sustainability Appraisal excluded access tracks, all statutory assessment obligations will be met before any new proposals for PDR in respect of access tracks for peatland restoration are progressed.

**Q53. Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration projects?**

**Q53a. If you disagree, please explain why.**

- 4.39 A total of 23 respondents answered the closed element at Question 53, including 21 organisation respondents and two individuals. Of these 23 respondents, 14 (61%) agreed with the proposal and nine (39%) disagreed. Those who disagreed were three planning authorities, an other public body respondent, a planning professional respondent and four third sector respondents.

**Q53. Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration projects?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>12</b>	<b>9</b>	<b>21</b>
<b>% of organisations</b>	<b>57%</b>	<b>43%</b>	<b>100%</b>
Public sector	8	4	12
<i>Planning authorities</i>	7	3	10
<i>Other public bodies</i>	1	1	2
Planning and other professionals	1	1	2
Private sector	1		1
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	2	4	6
<i>Environment/natural heritage</i>	2	4	6
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>14</b>	<b>9</b>	<b>23</b>
<b>% of all respondents</b>	<b>61%</b>	<b>39%</b>	<b>100%</b>

- 4.40 In total, 23 respondents provided a further comment, of whom ten had agreed at the closed question, nine had disagreed and four had not answered.
- 4.41 Although agreeing there should be PDR for new tracks some respondents also expressed concerns with respect to landscape impacts or added caveats to their approval to the effect that such tracks should be: solely for access to peat areas or to accredited restoration schemes; constructed in line with approved or best practice measures; permitted for an agreed temporary period or be subject to checks to ensure they do not become permanent; and subject to conditions for restoration/reinstatement on completion.
- 4.42 Respondents who did not agree or did not answer the closed question tended to a view that PDR for new temporary access tracks would lack adequate controls or highlighted risks that such tracks could be used for other purposes or be left in place. A risk of significant negative effects for the historic environment was also suggested and two respondents suggested that access tracks for peatland restoration might be better dealt with as part of broader consideration of PDR for tracks in Phase 3.
- 4.43 Some respondents argued that while temporary 'routes' (for example using matting or floating track) could be subject to PDR, properly constructed tracks should require planning permission. Other respondents noted their understanding that such temporary routes would fall under GPDO Class 14 in which case no new PDR would be necessary.

- 4.44 If PDR were to be extended to temporary tracks it was suggested these should be detailed within project proposals and so be subject to scrutiny by Peatland Action and covered by the Peatland Code. Such details should include the justification for the installation of the track, a statement identifying the design considerations taken into account in identifying the route and construction detail, and details of its proposed removal and restoration.
- 4.45 A further suggestion was that subsequent applications to keep a temporary track for peat restoration should not be permitted, or that such applications should not be made until after the general period set for the removal of such tracks.
- 4.46 In the absence of scrutiny by Peatland Action it was argued PDR should not apply within historic environment designated areas and should be subject to a prior notification/prior approval process outwith those areas. Other areas where it was argued that PDR for access tracks should not apply or should be restricted were within National Scenic Areas and Wild land designations and in National Parks.

**Q54. What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects? Please explain your answer.**

- 4.47 A total of 21 respondents answered Question 54, including 20 organisation respondents and one individual, as summarised in below.

**Q54. What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects? Please explain your answer.**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>20</b>	<b>41</b>	<b>61</b>
<b>% of organisations</b>	<b>34%</b>	<b>66%</b>	<b>100%</b>
Public sector	10	12	22
<i>Planning authorities</i>	7	9	16
<i>Other public bodies</i>	2	4	6
Planning and other professionals	2	3	5
Private sector	2	12	14
<i>Digital telecoms</i>		5	5
<i>Rural economy</i>	2	1	3
<i>Other</i>		6	6
Third sector	7	13	20
<i>Environment/natural heritage</i>	7	2	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>		7	7
<b>Individuals</b>	<b>1</b>	<b>57</b>	<b>58</b>
<b>% of individuals</b>	<b>2%</b>	<b>98%</b>	<b>100%</b>
<b>All respondents</b>	<b>21</b>	<b>98</b>	<b>119</b>
<b>% of all respondents</b>	<b>18%</b>	<b>82%</b>	<b>100%</b>

- 4.48 Comments on time limits and restoration requirements were all very brief.
- 4.49 With respect to time limits, several respondents commented that these should be related to individual projects or to the size of operations, with no 'one-size-fits-all' answer.
- 4.50 Others suggested very general criteria including 'after completion' or as 'quickly as possible after completion', while more specific suggestions were:
- Three weeks after completion.
  - Within one year of completion.
- 4.51 The latter was noted to be in line with requirements for inspection of completed peatland restoration projects.
- 4.52 With respect to restoration, suggested requirements included 'full restoration', restoration to 'prior condition' or 'a like-for-like basis'. One planning authority commented they would support the views of NatureScot on time limits and restoration given their direct experience with these projects.
- 4.53 It was also noted that if temporary tracks are covered by GPDO Class 14, the requirement would be 'shall as soon as reasonably practicable, be reinstated to its condition before that development was carried out'.

**Q55. If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?**

**Q55a. Please explain your answer.**

- 4.54 A total of 18 respondents answered the closed element at Question 55, including 16 organisation respondents and two individuals. Of these 18 respondents, 11 (61%) agreed with the proposal and seven (39%) disagreed. Those who disagreed were three planning authorities, a planning professional respondent, two private sector respondents and a third sector respondent.

**Q55. If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>9</b>	<b>7</b>	<b>16</b>
<b>% of organisations</b>	<b>56%</b>	<b>44%</b>	<b>100%</b>
Public sector	5	3	8
<i>Planning authorities</i>	5	3	8
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector		2	2
<i>Digital telecoms</i>			
<i>Rural economy</i>		2	2
<i>Other</i>			
Third sector	3	1	4
<i>Environment/natural heritage</i>	3	1	4
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>11</b>	<b>7</b>	<b>18</b>
<b>% of all respondents</b>	<b>61%</b>	<b>39%</b>	<b>100%</b>

- 4.55 In total, 19 respondents provided a further comment, of whom seven had agreed at the closed question, seven had disagreed and five had not answered. All comments were brief.
- 4.56 Respondents who agreed sometimes referred to the need for checks or a high level of scrutiny, both to minimise the risk of abuse of the system and to ensure impacts are adequately considered. One third sector respondent suggested this to be of importance since the Sustainability Assessment did not consider the impact of access tracks.
- 4.57 Among respondents who disagreed or did not answer the question, some restated a view that there should be no PDR for constructed access tracks or an opinion that the existing provisions of GDPO Class 14 are sufficient.
- 4.58 Two respondents suggested additional elements they thought would be required:
- An Other public bodies respondent commented that to ensure effective mitigation of potential effects on the historic environment, the processes leading to approval of funds would need to include scrutiny of the potential effects, and approval of appropriate mitigation measures.
  - A Planning authority respondent suggested that funds equivalent to the restoration cost (and index linked) should be retained to address the risk of developer insolvency, with an agreement for restoration to be undertaken by the Scottish Government in such circumstances.

#### 4.59 Others argued that:

- Funding should not be a qualifying criterion for any PDR.
- Restoration may be undertaken as part of a commercial development, to offset disturbance arising from commercial development, or may involve surplus peat from private/commercial developments that will not be funded or eligible for funds.
- Regardless of how it is funded, peatland restoration brings the same public benefits so should be afforded the same PDR and there could be considerable potential for private funds to be engaged in restoration.
- Work may not be on a scale to be considered for a project through Peatland Action but may still require access tracks.

#### ***Other Conditions and Restrictions***

- 4.60 The aim is to be very wide ranging in the PDR for peatland restoration, creating a risk that planning permission could be granted for inappropriate development. One issue is where peat is transferred for the purposes of peatland restoration. The intention is that the transfer of peat within a restoration site, for the purposes of restoration, should be allowed under PDR. Also, the bringing in of peat to a restoration site for the purposes of peatland restoration. However, the extraction of peat outside the restoration site would not be granted permission by the peatland restoration PDR, nor would removal of peat from the restoration site.

**Q56. Do you agree that the peatland restoration PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the restoration site?**

**Q56a. If you disagree, please explain why.**

- 4.61 A total of 20 respondents answered the closed element at Question 56, including 19 organisation respondents and one individual. Of these 20 respondents, 16 (80%) agreed with the proposal and four (20%) disagreed. Those who disagreed were a planning authority, two third sector respondents and an individual respondent.

**Q56. Do you agree that the peatland restoration PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the restoration site?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>16</b>	<b>3</b>	<b>19</b>
<b>% of organisations</b>	<b>84%</b>	<b>16%</b>	<b>100%</b>
Public sector	9	1	10
<i>Planning authorities</i>	8	1	9
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	1		1
<i>Digital telecoms</i>			
<i>Rural economy</i>	1		1
<i>Other</i>			
Third sector	4	2	6
<i>Environment/natural heritage</i>	4	2	6
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>16</b>	<b>4</b>	<b>20</b>
<b>% of all respondents</b>	<b>80%</b>	<b>20%</b>	<b>100%</b>

- 4.62 In total, 14 respondents provided a further comment, of whom eight had agreed at the closed question, four had disagreed and two had not answered. All comments were brief.
- 4.63 Four respondents who agreed (three third sector respondents and a planning professional respondent) made clear in their further comments that their approval was with respect to transfer within sites but not between sites. Two further respondents who disagreed (a further third sector respondent and a planning authority) also noted they would approve transfer within a site.
- 4.64 Other respondents who agreed also qualified their approval including that there should be limitations on the volumes of peat, or that extraction for restoration would appear counterproductive, even within a restoration site.
- 4.65 However, it was also suggested that restoration is most likely to arise as a consequence of surplus peat generated off-site.
- 4.66 Comments from respondents who did not agree that the peatland restoration PDR should allow for the transfer of peat or who did not answer the closed question included concerns that:
- Lifting and transporting peat invariably damages its structure and potentially makes it unusable.
  - Removing peat material from one location within a restoration site to move it to another has the potential for damage to archaeological sites, and also to reveal unknown archaeological features.

- Allowing peat to be brought in from outwith the restoration site would degrade other peatlands.
- Importation of peat is too site specific and complex an issue to be considered a PDR.

**Q57. Do you agree that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site?**

**Q57a. If you disagree, please explain why.**

4.67 A total of 23 respondents answered the closed element at Question 57, including 21 organisation respondents and two individuals. Of these 23 respondents, 22 (96%) agreed with the proposal and one (4%) disagreed. Only one private sector respondent disagreed.

4.68 A total of 23 respondents answered Question 57, including 21 organisation respondents and two individuals. All answered the closed question.

**Q57. Do you agree that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>20</b>	<b>1</b>	<b>21</b>
<b>% of organisations</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>
Public sector	11		11
<i>Planning authorities</i>	10		10
<i>Other public bodies</i>	1		1
Planning and other professionals	2		2
Private sector	1	1	2
<i>Digital telecoms</i>			
<i>Rural economy</i>	1	1	2
<i>Other</i>			
Third sector	6		6
<i>Environment/natural heritage</i>	6		6
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>% of individuals</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>
<b>All respondents</b>	<b>22</b>	<b>1</b>	<b>23</b>
<b>% of all respondents</b>	<b>96%</b>	<b>4%</b>	<b>100%</b>

4.69 In total, nine respondents provided a further comment, of whom eight had agreed at the closed question, and one had disagreed.

4.70 Comments from those who agreed that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site included views that extraction of peat should be regulated and that, if allowed, such extraction or removal of peat could be open to abuse. However, a potential complication was also suggested if peat



can be brought into a restoration site under PDR (as set out at Question 56) but a planning application is required for the associated extraction.

- 4.71 The one respondent who did not agree argued that, if the peat brought in is primarily intended to achieve a better restoration outcome on the PDR site, and it is not being harvested from an extraction site but sympathetically removed without long-term harm, they could not see why this should not be acceptable.

**Q58. Are there any other forms of development which could be granted planning permission by the PDR for peatland restoration as proposed, which should be restricted or controlled?**

**Q58a. Please explain your answer, setting out what sorts of development you consider should be restricted and why.**

- 4.72 A total of 12 organisation respondents answered the closed element at Question 58. Of these five respondents, 22 (42%) thought there were other forms of development which should be restricted or controlled and seven (58%) that there were not. However, the further comments suggested some variation in the way this question was interpreted.

**Q58. Are there any other forms of development which could be granted planning permission by the PDR for peatland restoration as proposed, which should be restricted or controlled?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>5</b>	<b>7</b>	<b>12</b>
<b>% of organisations</b>	<b>42%</b>	<b>58%</b>	<b>100%</b>
Public sector	3	4	7
<i>Planning authorities</i>	3	4	7
<i>Other public bodies</i>			
Planning and other professionals	1	1	2
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	1	2	3
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>			
<i>Other</i>			
<b>Individuals</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>% of individuals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>All respondents</b>	<b>5</b>	<b>7</b>	<b>12</b>
<b>% of all respondents</b>	<b>42%</b>	<b>58%</b>	<b>100%</b>

- 4.73 In total, 10 respondents provided a further comment, of whom five had agreed at the closed question, two had disagreed, and three had not answered.
- 4.74 Three respondents noted that other forms of development operations to be covered by the PDR were not set out in the consultation paper, or that they were unsure what forms of development might be covered, and it was not always clear whether other respondents were suggesting forms of development that they thought should be included under PDR or that should be restricted.

4.75 Suggestions for inclusion were:

- Signage/interpretation for restoration schemes.
- Any form of dam or bund building, alongside the rest of the widely recognised peatland restoration techniques. Specifically, construction of peat bunds immediately on top of mineral soils and use of peat bunding to create permanent surface water lagoons over peat.
- Ability to stack and store peat on site for restoration purposes.

4.76 Suggestions for exclusion/restriction were:

- Peatland restoration associated with developments should be excluded.
- Size and height of stacks of peat stored may need to be restricted.

4.77 Other issues raised were:

- Associated works/infrastructure such as creation of works compounds, worker welfare units, services, machinery laydown and parking/ transport.
- Burning peat yards.

**Q59. Do you have any other views or points to make about the proposed PDR for peatland restoration?**

4.78 A total of 10 respondents – all organisations – made a comment at Question 59.

**Q59. Do you have any other views or points to make about the proposed PDR for peatland restoration?**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>10</b>	<b>51</b>	<b>61</b>
<b>% of organisations</b>	<b>16%</b>	<b>84%</b>	<b>100%</b>
Public sector	1	21	22
<i>Planning authorities</i>	1	15	16
<i>Other public bodies</i>		6	6
Planning and other professionals	3	2	5
Private sector	1	13	14
<i>Digital telecoms</i>		5	5
<i>Rural economy</i>	1	2	3
<i>Other</i>		6	6
Third sector	5	15	20
<i>Environment/natural heritage</i>	5	4	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>		7	7
<b>Individuals</b>	<b>0</b>	<b>58</b>	<b>58</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>10</b>	<b>109</b>	<b>119</b>
<b>% of all respondents</b>	<b>8%</b>	<b>92%</b>	<b>100%</b>

4.79 Points not already covered elsewhere in this section included that:

- Given the potential impact of development on the historical and cultural heritage of peatlands, all bodies and boards involved in peatland restoration

should contain historical representation (for example, Historic Environment Scotland).

- PDR is a blanket instrument for limited/simple development whereas peat restoration is normally complex. Where no extraction off site is involved, consideration should be given to the use of prior determination or reduced/exempt planning fees to aid restoration rather than PDR.
- The proposed approach to peatland restoration potentially distinguishes this work as a non-agricultural activity, with possible consequences elsewhere, as perhaps for the taxation treatment of landowners and occupiers.
- Land with potential to contribute to other national, regional and local policy outcomes could be converted to peatland under the PDR, potentially to the detriment of other outcomes. Targeting sites should be considered, leaving marginal ones that may be suitable for woodland planting or are adjacent to wind farms that may expand.

## 5 Development Related to Active Travel

- 5.1 The final development type considered by the consultation paper was development related to active travel. The consultation paper set out specific proposals for the extension of PDR for storage sheds/structures for bikes in the front or side gardens of domestic properties, in private gardens of flats and within the grounds of offices, commercial and industrial buildings.

### Extensions to PDR for storage sheds/structures for bicycles: houses

- 5.2 It is proposed to extend PDR to give all householders the right to erect bicycle/scooter stores up to a maximum size of 1.2 m height, 2 m width and 1.5m depth to the front of their properties. It is also proposed to increase the floorspace restriction for sheds in the rear gardens of houses in conservation areas to eight square metres, to allow for the storage of adaptive bikes and bike trailers as well as bikes and mobility scooters.

**Q60. Do you agree with the proposal to allow the erection of a cycle store in the front or side garden of a house up to a maximum size of 1.2 metres height, 2 metres width and 1.5 metres depth?**

**Q60a. If you disagree, please explain why.**

- 5.3 A total of 76 respondents answered the closed element at Question 60, including 26 organisation respondents and 50 individuals. Of these 76 respondents, 55 (72%) agreed with the proposal and 21 (28%) disagreed. Those disagreeing were five planning authorities, two third sector respondents, and 14 individuals.

**Q60. Do you agree with the proposal to allow the erection of a cycle store in the front or side garden of a house up to a maximum size of 1.2 m height, 2 m width and 1.5 m depth?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>19</b>	<b>7</b>	<b>26</b>
<b>% of organisations</b>	<b>73%</b>	<b>27%</b>	<b>100%</b>
Public sector	9	5	14
<i>Planning authorities</i>	9	5	14
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	7	2	9
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>			
<i>Other</i>	5	1	6
<b>Individuals</b>	<b>36</b>	<b>14</b>	<b>50</b>
<b>% of individuals</b>	<b>72%</b>	<b>28%</b>	<b>100%</b>
<b>All respondents</b>	<b>55</b>	<b>21</b>	<b>76</b>
<b>% of all respondents</b>	<b>72%</b>	<b>28%</b>	<b>100%</b>

- 5.4 A total of 48 respondents provided written comment at Question 60, including all 21 of those who disagreed with the proposed change, 20 who agreed, and a further seven who did not answer the closed question.
- 5.5 Several respondents who agreed with the proposal observed that secure storage should encourage active travel and increase bike ownership, or that lack of suitable storage can be a barrier to some wishing taking up cycling. The contribution increased bike ownership could make to lowering car emissions and resulting positive impact on the environment was also highlighted
- 5.6 However, many of those providing comment raised concerns or suggested amendments to the proposal. The comments most frequently made related to the proposed size of a cycle store. Over half of those who disagreed with the proposal were of the view that the suggested size was inadequate or impractical. A number of those agreed with the overall proposal had similar reservations. The concerns of all groups fell into a number of broad categories, outlined below.
- 5.7 There was a general consensus that the proposed dimensions of 1.2 metre height, 2 metre width and 1.5 metre depth are insufficient. Reasons given were:
- More space is required to accommodate family storage of bikes, along with the associated bike equipment. This issue was raised by a Third sector Campaign group respondent and several individuals. The suggested dimensions were also considered inadequate for cargo bikes, adapted bikes and trailers.
  - The height was specifically felt to be too low for many modern bikes, and it was also observed that most commercially available stores are higher than 1.2 metres whilst those within the 1.2 metres range are likely to have a slanted roof, which makes bike storage problematic.
- 5.8 The most frequently suggested alternative dimensions (again proposed by a Third Sector campaign group and often supported by individual respondents) were 1.5 metres height x 2.5 metres width x 1.2 metres depth. These measurements were noted to be based on guidelines considered acceptable for conservation areas by one planning authority and it was suggested a greater depth of store might be allowed for non-conservation areas.
- 5.9 Several respondents, including three planning authorities, commented on the potential negative visual impact on surrounding streetscape. This included concerns about the potential cumulative effect where there are a number of bike stores, in particular if there are no controls over the colours and materials used. It was suggested there could be a limit of one store per front garden, although also that households might want more than one store, for example if they have more than one e-bike. Advantages to the use of steel as a material for bike sheds, from a security aspect was also highlighted.
- 5.10 Planning authorities were also concerned about the potential for stores to block sightlines, resulting in safety issues for traffic and pedestrians. The proposed restriction that they must not compromise pedestrian or traffic safety was suggested to be difficult for householders to assess, and could result in enforcement action after bike stores were erected if sightlines were obscured.

5.11 Planning authority respondents also raised a number of concerns, or suggested alternatives to the proposals set out by the consultation document, as summarised below:

- How would it be possible to ensure that bike sheds are used solely for that purpose, rather than becoming a general store?
- Bike stores may result in increased on-street parking, resulting in tensions with policies that support off road parking.
- The ratio taken up by cycle stores should be linked to the overall size of the garden, to minimise impact.
- With respect to location of bike stores, the PDR should be framed to give a strong preference to the use of side or rear gardens wherever this is possible. One individual respondent suggested siting stores on the carriageway with a version of a resident's parking permit.
- The present household PDR could be updated rather than creating a new one under 'active travel'. Since the current household PDR allows for fences of up to only 1 metre, it was thought that higher structures under a new PDR might cause confusion.

5.12 Finally, one other public bodies respondent expressed concerns about the impact of cycle stores on non-designated buildings, conservations areas and listed buildings, whilst acknowledging that restriction on materials will help. It was observed that any work affecting listed building or structures within curtilage will require listed building consent.

**Q61. Do you agree with the proposal to permit cycle stores up to 1.2 metres in height, 2 metres in width and 1 metre in depth in the front or side garden of a house in a conservation area?**

**Q61a. If you disagree, please explain why.**

5.13 A total of 76 respondents answered the closed element at Question 61, including 27 organisation respondents and 49 individuals. Of these 76 respondents, 42 (55%) agreed with the proposal and 34 (45%) disagreed. Those disagreeing were 13 planning authorities, six third sector respondents, and 15 individuals.

**Q61. Do you agree with the proposal to permit cycle stores up to 1.2 metres in height, 2 metres in width and 1 metre in depth in the front or side garden of a house in a conservation area?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>8</b>	<b>19</b>	<b>27</b>
<b>% of organisations</b>	<b>30%</b>	<b>70%</b>	<b>100%</b>
Public sector	1	13	14
<i>Planning authorities</i>	1	13	14
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	4	6	10
<i>Environment/natural heritage</i>	1	2	3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>	3	3	6
<b>Individuals</b>	<b>34</b>	<b>15</b>	<b>49</b>
<b>% of individuals</b>	<b>69%</b>	<b>31%</b>	<b>100%</b>
<b>All respondents</b>	<b>42</b>	<b>34</b>	<b>76</b>
<b>% of all respondents</b>	<b>55%</b>	<b>45%</b>	<b>100%</b>

- 5.14 A total of 56 respondents provided written comments at Question 61, including 33 who disagreed with the proposed change, 18 who agreed, and a further five who did not answer the closed question.
- 5.15 Consistent with the previous question, those who agreed with the proposal highlighted how bike stores could encourage more people to take up cycling, which would improve health outcomes and benefit the environment. Some individuals observed that permitting the erection of stores in conservation areas is essential, to allow equal access active travel for all, wherever they live. Other comments, from those agreeing and disagreeing with the proposal, raised concerns or suggested amendments.
- 5.16 Many of the points made echoed those at the previous question, with agreement on the principle of the proposal set alongside concerns about the practicalities. Some individuals again observed that the proposed dimensions are inadequate for the size and number of bikes that may require to be accommodated, in particular in family households and those with e-bikes, bike trailers, cargo bikes and similar.
- 5.17 Several individuals, third sector and campaign plus respondents suggested the alternative dimensions of 1.5 metre height, 2.5 metres width and 1.2 metres depth, measurements which some respondents observed are already used by one local authority, including in conservation areas. A small number of respondents proposed a depth of 1.5 metres.
- 5.18 A number of planning authorities were among the respondents who commented on the potential negative cumulative visual impact of bike stores on the character of conservation areas, with several observing that front gardens in conservation areas may be relatively small and/or have open frontages. Specific efforts may

go into ensuring that these front gardens remain landscaped rather than, for example, being used for car parking. One planning authority expressed support for retaining the control planning permission currently gives them over the aesthetics within conservation areas.

5.19 Suggested revisions often focused on mitigating the potential impacts of bike stores on the character and nature of conservation areas including that:

- Guidance on colours and screening could lessen the visual impact of sheds and bring these in line with the look of the conservation area. Two respondents suggested that appropriate use of colour could be more important than size in limiting visual impact.
- Locating bike sheds only at the side or rear of properties would be less obtrusive.
- There should be restrictions on materials used. One planning authority observed that timber may not be the most suitable material in some conservation areas.
- A process of prior notification or prior approval should be used to control the siting and design of stores potentially allowing for larger sheds of up to 1.5 metre depth.

**Q62. Should such an extension to PDR should be subject to a restriction on materials?**

**Q62a. Please explain your answer.**

5.20 A total of 73 respondents answered the closed element at Question 62, including 25 organisation respondents and 48 individuals. Of these 73 respondents, 23 (32%) agreed that such an extension to PDR should be subject to a restriction on materials, and 50 (68%) disagreed. Those disagreeing were nine planning authorities, four third sector respondents, a planning professional, and 36 individuals.



**Q62. Should such an extension to PDR should be subject to a restriction on materials?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>11</b>	<b>14</b>	<b>25</b>
<b>% of organisations</b>	<b>44%</b>	<b>56%</b>	<b>100%</b>
Public sector	6	9	15
<i>Planning authorities</i>	5	9	14
<i>Other public bodies</i>	1		1
Planning and other professionals	2	1	3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	3	4	7
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>			
<i>Other</i>	1	3	4
<b>Individuals</b>	<b>12</b>	<b>36</b>	<b>48</b>
<b>% of individuals</b>	<b>25%</b>	<b>75%</b>	<b>100%</b>
<b>All respondents</b>	<b>23</b>	<b>50</b>	<b>73</b>
<b>% of all respondents</b>	<b>32%</b>	<b>68%</b>	<b>100%</b>

- 5.21 A total of 59 respondents provided written comments at Question 62, including 35 who disagreed with the proposed change, 21 who agreed, and a further three who did not answer the closed question. Many respondents used the opportunity to expand on observations they had made about the use of materials in the previous question. Other comments, from those agreeing and disagreeing with the proposal, raised concerns or suggested amendments.
- 5.22 Several respondents, predominantly planning authorities, observed that a 'one size fits all' approach is impractical, or that it would be difficult to apply a single set of design standards across different conservation areas. It was suggested that local flexibility will be required, supported by guidance setting out acceptable examples.
- 5.23 A number of respondents expressed the desire to see materials used to help manage visual impacts, to blend in with surroundings, or to preserve the character of conservation areas. It was also suggested that there should be restrictions and/or guidance on colour or that that colour could be more important than the materials used in terms of mitigating visual impact.
- 5.24 Several respondents commented specifically on the use of timber, including that:
- Vernacular finishes such as brick, stone or render could blend in more effectively than timber. One individual respondent supported the use of eco-friendly materials.
  - Timber may vary in quality and that the use of poor quality materials such as chipboard could detract from character of a conservation area.

- Timber construction may not be secure enough for bike sheds, so steel may be more appropriate and is already used for many commercially available bike stores.
- Timber will not be suitable where non-combustibility of materials is important, including where sheds are located close to houses.

5.25 Some individual respondents argued that the PDR should be as permissive as possible, to encourage the move from car to cycle.

**Q63. Do you agree with the proposal to increase the floorspace of storage sheds allowed in the rear garden of houses in conservation areas to 8 square metres?**  
**Q63a. If you disagree, please explain why.**

5.26 A total of 75 respondents answered the closed element at Question 63, including 25 organisation respondents and 50 individuals. Of these 75 respondents, 66 (88%) agreed with the proposal and nine (12%) disagreed. Those disagreeing were five planning authorities and four individuals.

**Q63. Do you agree with the proposal to increase the floorspace of storage sheds allowed in the rear garden of houses in conservation areas to eight square metres?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>20</b>	<b>5</b>	<b>25</b>
<b>% of organisations</b>	<b>80%</b>	<b>20%</b>	<b>100%</b>
Public sector	8	5	13
<i>Planning authorities</i>	8	5	13
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	9		9
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	5		5
<b>Individuals</b>	<b>46</b>	<b>4</b>	<b>50</b>
<b>% of individuals</b>	<b>92%</b>	<b>8%</b>	<b>100%</b>
<b>All respondents</b>	<b>66</b>	<b>9</b>	<b>75</b>
<b>% of all respondents</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>

5.27 A total of 30 respondents provided written comments at Question 63, including eight who disagreed with the proposed change, 19 who agreed, and a further three who did not answer the closed question.

5.28 Consistent with responses to previous questions, those who agreed expressed the view that sufficient storage space is required for bikes, and the associated bike equipment, and that increasing the size of storage sheds in rear gardens will be less intrusive visually. Other comments, from those agreeing and disagreeing with the proposal, raised concerns or suggested amendments.

5.29 Respondents overall made fewer detailed comments at this question than others, but suggestions, often made by planning authorities, included that:

- This PDR should not apply to listed buildings.
- Prior notification/prior approval should be used to control design and location and to ensure sheds blend into the surrounding area.
- PDR for cycle sheds could be added as a separate class to the outbuilding already permitted.
- A restriction on the developable area should be included, similar to that for householders in non-designated areas, or that the maximum area of a shed should be linked to an agreed ratio of the footprint of the house and garden.
- It would not be possible to control the use of such stores for other purposes.
- Larger cycle stores will tend to have a higher roof apex and may be visible in rear gardens unless these are secluded. There is currently no proposal for restricting the height of the store which, it was suggested, should be limited to 3 metres.

5.30 In line with responses to previous questions, restrictions on materials/colour and best practice guidance on siting and design were also requested.

#### **Extensions to PDR for storage sheds/structures for bicycles: flats**

5.31 It is proposed to extend PDR to permit bicycle/scooter stores up to a maximum size of 1.2 m height, 2 m width and 1.5m depth to flats which have an allocated garden area, including in a conservation area.to the front of their properties. It is also proposed to introduce PDR to give flatted developments the right to erect a cycle store in the rear parking court or backcourt of a flatted block, of sufficient size to store two bikes per flat, including in conservation areas.

**Q64. Do you agree with the introduction of PDR for the erection of a cycle store in the private garden area of a flat, including in a conservation area?**

**Q64a. If you disagree, please explain why.**

5.32 A total of 78 respondents answered the closed element at Question 64, including 25 organisation respondents and 53 individuals. Of these 78 respondents, 68 (87%) agreed with the proposal and 10 (13%) disagreed. Those disagreeing were four planning authorities, two third sector respondents, and four individuals.

**Q64. Do you agree with the introduction of PDR for the erection of a cycle store in the private garden area of a flat, including in a conservation area?**

<b>Respondent type</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Organisations</b>	<b>19</b>	<b>6</b>	<b>25</b>
<b>% of organisations</b>	<b>76%</b>	<b>24%</b>	<b>100%</b>
Public sector	10	4	14
<i>Planning authorities</i>	10	4	14
<i>Other public bodies</i>			
Planning and other professionals	2		2
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	7	2	9
<i>Environment/natural heritage</i>	1	1	2
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	5	1	6
<b>Individuals</b>	<b>49</b>	<b>4</b>	<b>53</b>
<b>% of individuals</b>	<b>92%</b>	<b>8%</b>	<b>100%</b>
<b>All respondents</b>	<b>68</b>	<b>10</b>	<b>78</b>
<b>% of all respondents</b>	<b>87%</b>	<b>13%</b>	<b>100%</b>

- 5.33 A total of 46 respondents provided written comments at Question 64, including 34 who agreed with the proposed change, nine who disagreed, and a further three who did not answer the closed question. Those who agreed with the proposal reiterated many of the positive comments on the benefits of bike ownership given in previous questions. Many respondents were supportive of the proposal as it will provide some households living in flats the same access to cycle storage space as others. Other comments, from those agreeing and disagreeing with the proposal, raised concerns or suggested amendments.
- 5.34 However, a number of respondents, including several planning authorities, observed that allowing cycle stores in the private gardens of flatted accommodation could result in some adverse effects, as outlined below.
- 5.35 A planning authority, a third sector respondent and a planning professionals respondent all observed that there could be a negative impact on neighbours, and the potential for disputes where private gardens are adjacent to flats under different ownership. The proposed PDR could result in a bike store being built in front of the window of a separate owner.
- 5.36 Another planning authority observed that it may not be easy to define a private garden area separate from the wider amenity space for the flatted development and that some flatted developments have no defined garden ground.
- 5.37 Respondents also noted a number of concerns or suggested revisions that they would like to see including:
- Potential visual impacts in conservation areas were raised and, as at other questions, restrictions on materials and colour, and the need to observe best practice on design and siting were suggested.

- Prior notice/ prior approval was suggested both in conservation areas and for listed buildings.
- Several planning authorities commented that sheds should only be sited in a rear garden, with one recommending that there should only be one cycle shed per garden.
- A height restriction of 3 metres maximum was also recommended, and that sheds should not be visible from public roads.
- A third sector body proposed that the PDR should not apply to new build housing, but rather that cycle sheds in new developments should be subjected to the planning process to ensure high quality design standards.

**Q65. Do you agree with the proposal to allow cycle stores sufficient to accommodate up to two bikes per flat to the rear of larger blocks of flats, including in conservation areas?**

**Q65a. If you disagree, please explain why.**

5.38 A total of 78 respondents answered the closed element at Question 65, including 26 organisation respondents and 52 individuals. Of these 78 respondents, 60 (77%) agreed with the proposal and 18 (23%) disagreed. Those disagreeing were five planning authorities, four third sector respondents, and nine individuals.

**Q65. Do you agree with the proposal to allow cycle stores sufficient to accommodate up to two bikes per flat to the rear of larger blocks of flats, including in conservation areas?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>17</b>	<b>9</b>	<b>26</b>
<b>% of organisations</b>	<b>65%</b>	<b>35%</b>	<b>100%</b>
Public sector	8	5	13
<i>Planning authorities</i>	8	5	13
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	6	4	10
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>	1	1	2
<i>Other</i>	3	2	5
<b>Individuals</b>	<b>43</b>	<b>9</b>	<b>52</b>
<b>% of individuals</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>
<b>All respondents</b>	<b>60</b>	<b>18</b>	<b>78</b>
<b>% of all respondents</b>	<b>77%</b>	<b>23%</b>	<b>100%</b>

5.39 A total of 44 respondents provided written comments at Question 65, including 22 who agreed with the proposed change, 18 who disagreed, and a further four who did not answer the closed question.

5.40 Those who agreed with the proposal welcomed the opportunity for access to bike storage for households living in flats.

- 5.41 Specifically with respect to the suggested provision of storage space for two bikes per flat, one third sector body agreed, although two others queried how this figure was decided on, and if there was any regional variation. Some respondents argued the proposed space to be insufficient as there could be a larger number of residents with bikes living in one flat, or residents might own several bikes. Some individuals suggested a quota of four bikes per property. Other respondents proposed that a figure could be based on, for example, the area of the flat, the number of bedrooms or the number of occupants.
- 5.42 However, planning authority and third sector respondents expressed concerns about the potential loss of amenity space if the PDR was implemented, with some respondents noting the COVID lockdown to have highlighted the importance of outdoor green space. To emphasise the potential impact, one respondent used an example of a tenement with 18 flats: under the proposed PDR this would result in storage spaces for 36 bikes, taking up recreational space and possibly impacting adversely on households in ground floor flats.
- 5.43 A planning authority highlighted the risk that residents may not all agree to the loss of garden space for bike sheds, leading to disputes between neighbours. They also suggested joint ownership to be an important issue that the proposed PDR would not take into consideration.
- 5.44 Limiting the proportion of green space that could be used for cycle stores was suggested including by using the prior notification/prior approval process to prevent excessive loss of green space. It was also suggested that prior notification/prior approval could also be used to limit the size or height of cycle stores in conservation areas and to ensure that designs did not have a negative impact on the conservation area.
- 5.45 Other points raised included that:
- There should be some flexibility on location since stores need to be easily accessible, secure and well-lit, which may not be the case at the rear of a block of flats.
  - Provision of storage should be required for new flatted development, but adding stores to existing developments may reduce parking space and so cause increased on street parking.
  - The definition of a 'larger block of flats' should be clarified.

### **Extensions to PDR for storage sheds/structures for bicycles: offices, commercial and industrial buildings**

- 5.46 It is proposed to introduce PDR for secure, communal cycle stores in the curtilage of offices, commercial and industrial buildings. PDR would permit cycle stores of a size suitable to accommodate a number of bikes proportionate to the floorspace of the office.

**Q66. Do you agree with the introduction of PDR to allow the erection of cycle stores for buildings of class 4, 5 and 6 uses?**

**Q66a. If you disagree, please explain why.**

- 5.47 A total of 76 respondents answered the closed element at Question 66, including 27 organisation respondents and 49 individuals. Of these 76 respondents, 72 (95%) agreed with the proposal and four (5%) disagreed. Those who disagreed were a planning authority, a third sector respondent and two individuals.

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>25</b>	<b>2</b>	<b>27</b>
<b>% of organisations</b>	<b>93%</b>	<b>7%</b>	<b>100%</b>
Public sector	13	1	14
<i>Planning authorities</i>	13	1	14
<i>Other public bodies</i>			
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	9	1	10
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	5	1	6
<b>Individuals</b>	<b>47</b>	<b>2</b>	<b>49</b>
<b>% of individuals</b>	<b>96%</b>	<b>4%</b>	<b>100%</b>
<b>All respondents</b>	<b>72</b>	<b>4</b>	<b>76</b>
<b>% of all respondents</b>	<b>95%</b>	<b>5%</b>	<b>100%</b>

- 5.48 A total of 28 respondents provided written comments at Question 66, including 23 of those who agreed with the proposed change, four of those who disagreed, and one respondent who did not answer the closed question.
- 5.49 A number of respondents who agreed argued that secure cycle parking at workplaces should increase bike use by commuters, benefiting individuals' health and helping the environment. One planning authority suggested that workplaces tend to be in commercial/industrial locations, where bike stores are likely to have less visual impact than they would do in residential areas.
- 5.50 However, some respondents were concerned about the potential visual impact or loss of amenity space, including in conservation areas, and proposed that a prior notification/prior approval process should be used in such instances. It was also suggested that the PDR should not apply in designated areas, with assessment on a case-by-case basis proposed within the curtilage of listed buildings or in conservation areas.
- 5.51 Other limitations proposed were that:
- PDR should not apply to cycle stores built on the public facing side of buildings, where there could be a disproportionate visual impact on the appearance of the local area. Two planning authorities raised this issue.
  - Cycle sheds in new development class 4 – 6 buildings should be subjected to the planning process to ensure high quality design standards. This point was made by a third sector body.

- 5.52 Finally, concerns were expressed regarding potential loss of parking spaces, including where previous planning permission conditions may have set out minimum parking requirements. Since class 4 premises in particular might be located in town centres, it was suggested there should be clarity on where the PDR would apply.

#### **Extensions to PDR for storage sheds/structures for bicycles: other locations**

- 5.53 It is proposed that PDR should be introduced for the siting of up to four cycle stores of up to 1.36 metres in height, 2.55 metres in length and 2 metres in depth within a street block of 100 metres length in public places. The cycle stores should ideally be placed on the road carriageway (replacing car parking spaces other than disabled parking spaces as necessary) and should not reduce the width of the public footpath.

#### **Q67. Do you agree with the introduction of PDR to allow the erection of cycle stores on-streets?**

##### **Q67a. If you disagree, please explain why.**

- 5.54 A total of 78 respondents answered the closed element at Question 67, including 28 organisation respondents and 50 individuals. Of these 78 respondents, 69 (88%) agreed with the proposal and nine (12%) disagreed. Those disagreeing were four planning authorities, a planning professional, a third sector respondent, and three individuals.



**Q67. Do you agree with the introduction of PDR to allow the erection of cycle stores on-streets?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>22</b>	<b>6</b>	<b>28</b>
<b>% of organisations</b>	<b>79%</b>	<b>21%</b>	<b>100%</b>
Public sector	11	4	15
<i>Planning authorities</i>	10	4	14
<i>Other public bodies</i>	1		1
Planning and other professionals	2	1	3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	9	1	10
<i>Environment/natural heritage</i>	3		3
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>	6		6
<b>Individuals</b>	<b>47</b>	<b>3</b>	<b>50</b>
<b>% of individuals</b>	<b>94%</b>	<b>6%</b>	<b>100%</b>
<b>All respondents</b>	<b>69</b>	<b>9</b>	<b>78</b>
<b>% of all respondents</b>	<b>88%</b>	<b>12%</b>	<b>100%</b>

- 5.55 A total of 33 respondents provided written comments at Question 67, comprising 24 who agreed with the proposed change, eight who disagreed, and one who did not answer the closed question.
- 5.56 Some of those who agreed with the proposal pointed to the potential to increase provision for households living in flats and supported the reallocation of parking spaces in favour of cycle storage. Several respondents noted their approval for the current Edinburgh on street cycle storage scheme.
- 5.57 Other respondents were concerned about on street cycle storage in conservation areas or within the curtilage of listed buildings. Several planning authorities were among those who expressed a view that there should be no PDR for such stores in designated or conservation areas where, it was argued, prior notification/prior approval would be appropriate. It was noted Article 4 Directions could be applied by the planning authority, but with cost implications.
- 5.58 Issues related to pedestrian safety were also raised including that:
- The potential cluttering of streets may create inconvenience to pedestrians, and it was suggested sufficient space for pedestrians to pass without stepping onto road should be built into the PDR.
  - Disabled access must not be compromised by restricted footways. The needs of people with visual impairment and those using wheelchairs were highlighted, and a third sector respondent suggested that cycle stores should be located away from pedestrian routes and designed using contrasting colours, to help those with sight issues.

- 5.59 A number of respondents commented on how the obligations of the roads authority would fit with the proposed PDR and concerns were expressed that a body other than the roads authority should be able to erect a structure that could adversely impact pedestrian and road traffic safety. It was suggested that any PDR should include a provision that the roads authority must be consulted.
- 5.60 It was also argued both that parking provision on a public road is already included in roads authority PDR, and that placing structures on the street already requires the agreement of the council as roads authority – thereby allowing the planning authority some control over such structures.
- 5.61 Some respondents took the view that planning authorities should be given the responsibility to for assessing on-street cycle stores through the current planning application process, or that planning authorities should be given guidance requiring them to support such applications.
- 5.62 Additional points raised included that:
- The Department of Transport has issued guidance on reducing security threats at rail, bus and coach stations. This would apply if the location of cycle stores was being considered above/near a subway or near a bus station.
  - What constitutes a ‘street block’ should be clarified.
  - Consultation with local residents and businesses should be required by the PDR, as streetscapes will be altered by on-street cycle stores.

**Q68. If such PDR is introduced, do you agree with the proposed maximum size for the cycle stores, and the proposed restriction on the number allowed in a particular street or block?**

**Q68a. If you disagree, please explain why.**

- 5.63 A total of 68 respondents answered Question 68, including 26 organisation respondents and 42 individuals. Of these 68 respondents, 35 (51%) agreed with the proposed maximum size and restriction on numbers allowed, and 33 (49%) disagreed. Those disagreeing were four planning authorities, three third sector respondents, and 26 individuals.

**Q68. If such PDR is introduced, do you agree with the proposed maximum size for the cycle stores, and the proposed restriction on the number allowed in a particular street or block?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>19</b>	<b>7</b>	<b>26</b>
<b>% of organisations</b>	<b>73%</b>	<b>27%</b>	<b>100%</b>
Public sector	10	4	14
<i>Planning authorities</i>	9	4	13
<i>Other public bodies</i>	1		1
Planning and other professionals	3		3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	6	3	9
<i>Environment/natural heritage</i>	2	1	3
<i>Community Councils/representative groups</i>	1		1
<i>Other</i>	3	2	5
<b>Individuals</b>	<b>16</b>	<b>26</b>	<b>42</b>
<b>% of individuals</b>	<b>38%</b>	<b>62%</b>	<b>100%</b>
<b>All respondents</b>	<b>35</b>	<b>33</b>	<b>68</b>
<b>% of all respondents</b>	<b>51%</b>	<b>49%</b>	<b>100%</b>

- 5.64 A total of 44 respondents provided written comments at Question 68, comprising seven who agreed with the proposed change, 32 who disagreed and five respondents who did not answer the closed question.
- 5.65 Some of those who agreed and were positive about the PDR nonetheless made suggestions, including that the roads authority should be consulted and that there should be an assessment of whether the proposal would meet demand. Other comments, from those agreeing and disagreeing with the proposal, raised concerns or suggested amendments.
- 5.66 As with responses to previous questions, the flexibility to provide larger cycle stores was seen as necessary for families and those households requiring several of bike spaces. A number of respondents stressed that the storage space should be capable of accommodating e-bikes, cargo bikes and bikes with child seats.
- 5.67 Other respondents felt there should be no restriction on either the size of the cycle store or the number of stores, but rather that there should be facilities available for those bike owners who need them, just as provision is made for car owners. A number of respondents argued that restrictions on cycle stores should be matched by limitations on car parking on the street, as they considered this more visually intrusive than bike storage.
- 5.68 Respondents also suggested a number of other revisions to the proposals including that:
- The number of cycle stores should be determined by an assessment of local need, rather than being prescriptive, albeit that there could be limitations made by the dimensions and layout of a street. Several individuals and a third sector respondent made this point.

- Decisions on the size and number of stores should be taken by local planning authorities, rather than centrally dictated. Local control would enable current and future demand for cycle stores to be factored into planning and the most appropriate sizes and designs considered for each location.
- A number of different cycle store designs should be considered, with the Cyclehoops Bikehangar being only one option amongst a wider range of possibilities. It was argued that the consultation proposal would greatly restrict other design solutions.

**Q69. If such PDR is introduced, do you think it should be allowed in conservation areas and, if so, should it be subject to any other limitations on size, materials etc?**

**Q69a. If you disagree, please explain why.**

5.69 A total of 70 respondents answered the closed element at Question 69, including 23 organisation respondents and 47 individuals. Of these 70 respondents, 49 (70%) agreed that PDR for on street cycle storage should be allowed in conservation areas, and 21 (30%) disagreed. Those disagreeing were 11 planning authorities, a planning professional, a third sector respondent, and eight individuals.

**Q69. If such PDR is introduced, do you think it should be allowed in conservation areas and, if so, should it be subject to any other limitations on size, materials etc?**

Respondent type	Yes	No	Total
<b>Organisations</b>	<b>10</b>	<b>13</b>	<b>23</b>
<b>% of organisations</b>	<b>43%</b>	<b>57%</b>	<b>100%</b>
Public sector	2	11	13
<i>Planning authorities</i>	2	11	13
<i>Other public bodies</i>			
Planning and other professionals	2	1	3
Private sector			
<i>Digital telecoms</i>			
<i>Rural economy</i>			
<i>Other</i>			
Third sector	6	1	7
<i>Environment/natural heritage</i>	2		2
<i>Community Councils/representative groups</i>		1	1
<i>Other</i>	4		4
<b>Individuals</b>	<b>39</b>	<b>8</b>	<b>47</b>
<b>% of individuals</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>
<b>All respondents</b>	<b>49</b>	<b>21</b>	<b>70</b>
<b>% of all respondents</b>	<b>70%</b>	<b>30%</b>	<b>100%</b>

5.70 A total of 55 respondents provided written comments at Question 69, including 33 who agreed with the proposed change, 17 who disagreed, and five respondents who did not answer the closed question.

- 5.71 Several of those who agreed favoured introducing the PDR in conservation areas because these are often located in urban centres and can usefully contribute to an overall reduction in car usage and the associated pollution. Consistent with the responses to other questions, it was also felt that the residents of conservation areas should be given an equal opportunity to benefit from cycle store provision.
- 5.72 However, some respondents, in particular planning authorities, were concerned about the potential negative visual impact of cycle stores on the character of conservation areas. One planning authority observed that this could be a particular issue for smaller conservation areas. Several respondents, including two third sector bodies, commented that similar rules should not be applied across different conservation areas and that local flexibility is needed.
- 5.73 Some respondents – largely planning authorities - preferred to see control retained via the planning application process. While planning authority and third sector respondents were among those who suggested using prior notification/ prior approval to prevent negative impact on the amenity value of conservation areas by controlling the design of stores, the materials and colours used, and their location.
- 5.74 There was agreement across a range of respondents that there should be restriction on the materials, colours and designs used in conservation areas, to ensure these are sympathetic to their local surroundings. One respondent suggested that design guidance could be produced to help with this.

**Q70. Is there any other amendment to the General Permitted Development Order that you think we should consider in order to encourage active travel further?**

- 5.75 A total of 29 respondents provided comment at Question 70, including 14 organisation respondents and 15 individuals. Organisation respondents included four planning authorities, an other public bodies respondent, six third sector respondents, and three planning professionals.

**Q70. Is there any other amendment to the General Permitted Development Order that you think we should consider in order to encourage active travel further?**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>14</b>	<b>47</b>	<b>61</b>
<b>% of organisations</b>	<b>23%</b>	<b>77%</b>	<b>100%</b>
Public sector	5	17	22
<i>Planning authorities</i>	4	12	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	3	2	5
Private sector	0	14	14
<i>Digital telecoms</i>		5	5
<i>Rural economy</i>		3	3
<i>Other</i>		6	6
Third sector	6	14	20
<i>Environment/natural heritage</i>	3	6	9
<i>Community Councils/representative groups</i>	1	3	4
<i>Other</i>	2	5	7
<b>Individuals</b>	<b>15</b>	<b>43</b>	<b>58</b>
<b>% of individuals</b>	<b>26%</b>	<b>74%</b>	<b>100%</b>
<b>All respondents</b>	<b>29</b>	<b>90</b>	<b>119</b>
<b>% of all respondents</b>	<b>24%</b>	<b>76%</b>	<b>100%</b>

5.76 Points not already covered elsewhere in this section are outlined below.

5.77 Several respondents commented on the need for an inclusive approach to active travel that considers the needs of the elderly and people with disabilities so that they are not disadvantaged, for example by not being able to use bike stores because the sizes are inadequate for adapted bikes, or if disabled parking is lost. It was recommended that the evaluation of any active travel project should include an Equalities Impact Assessment.

5.78 It was observed that the PDR proposals only relate to cycling, despite the definition of active travelling being much wider, including walking and wheeling. It was suggested that there is scope for PDRs to support active travel more generally, for example through investment in developing green infrastructure, expanding paths networks and the design/redesign of the built environment to encourage people outdoors and into natural surroundings.

5.79 There were also suggestions for specific PDR proposals, set out below.

- The structure to support bike hire schemes, including hire points and docking points.
- Hubs for the hire or communal use of cargo bikes, including in conservation areas.
- Cycle storage made available in public locations, such as shopping centres, stations, and ferry terminals. These could include public bike repair stations.
- A PDR for the development of e-bike charging hubs/points.
- The development of rural paths, using a PDR to simplify the process of setting these up.

## 6 SEA and Assessment of Impacts

- 6.1 The final section of the consultation sought views on the Update to the 2019 Sustainability Appraisal Report and the partial and draft impact assessments accompanying the proposals, including any additional information sources that could inform the final impact assessments.

### SEA Post-adoption Statement and Update to the 2019 Sustainability Appraisal

- 6.2 A Sustainability Appraisal Report, incorporating SEA requirements, was consulted on alongside the proposed programme in November 2019. This set out the potential environmental, social and economic effects arising from proposals for change to PDR across a range of development types.
- 6.3 The draft Post Adoption Statement published alongside the present consultation sets out how views gathered on the Sustainability Appraisal have been taken into account in progressing the detailed proposals for Phase 1 changes to PDR. An Update to the Sustainability Appraisal has also been published, incorporating additional assessment of Phase 1 proposals. The consultation sought views on the Update and these are summarised below.

#### Q71. What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report that accompanies this consultation document?

- 6.4 Seven respondents provided comment at Question 71, all of these being organisations. These included four public sector respondents, two planning professionals and a third sector respondent.

#### Q71. What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report that accompanies this consultation document?

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>7</b>	<b>54</b>	<b>61</b>
<b>% of organisations</b>	<b>11%</b>	<b>89%</b>	<b>100%</b>
Public sector	4	18	22
<i>Planning authorities</i>	3	13	16
<i>Other public bodies</i>	1	5	6
Planning and other professionals	2	3	5
Private sector	0	14	14
<i>Digital telecoms</i>		5	5
<i>Rural economy</i>		3	3
<i>Other</i>		6	6
Third sector	1	19	20
<i>Environment/natural heritage</i>		9	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>	1	6	7
<b>Individuals</b>		<b>58</b>	<b>58</b>
<b>% of individuals</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>All respondents</b>	<b>7</b>	<b>112</b>	<b>119</b>
<b>% of all respondents</b>	<b>6%</b>	<b>94%</b>	<b>100%</b>

6.5 Comments on the update to the Sustainability Appraisal Report are summarised below.

- Several public bodies and planning professional respondents noted that the Update report does not identify potential cumulative, secondary or synergistic effects. It was suggested that these types of effects are a key element of environmental assessment, and must be fully understood to inform decision making. Specific reference was made to effects on rural services and infrastructure associated with PDR for conversion of agricultural buildings.
- A public sector respondent suggested that the Update lacked the level of detailed assessment presented in the 2019 Sustainability Appraisal, and insufficient commentary on how conclusions were reached on effects and mitigation. A third sector respondent also suggested that the Update does not include sufficient detail on proposals that have changed since the 2019 SEA, such as the 1000sqm agricultural PDR and the bike storage PDR. A public sector respondent wished to see the Update incorporate detailed assessment matrices similar to those provided by the 2019 Sustainability Appraisal.
- Several public bodies welcomed revisions to the 2019 findings, but suggested that a substantial range of queried findings remained unchanged and wished to see an explanation of how Scottish Government concluded that the original 2019 findings remained appropriate.
- A public body respondent noted that readers are required to cross-reference the Update with the original 2019 assessment to gain a full understanding of the impact of proposals. It was suggested that this approach should be altered for future phases, and that there is greater integration of assessment findings with the consultation material for future phases.
- Comments on findings in relation to specific development types are summarised below.
  - Polytunnels. A public body disagreed with the assessment of negative effects on the historic environment as “minor”, and suggested potential for significant negative effects. It was also suggested that it was unclear how preparation of guidance will mitigate effects on the historic environment.
  - Peatland Restoration. A public body suggested that the appraisal is incorrect in predicting mixed minor effects on the historic environment, and that there is potential for significant negative effects.
  - Active Travel. A public body suggested that proposed PDR for bike storage is likely to have (potentially significant) negative effects for the historic environment, and that mitigation measures should address this.



## Other impact assessments

- 6.6 A range of other assessment of the draft proposals have been undertaken, in addition to the SEA. Initial and draft assessments were included alongside the consultation proposals, including a Business and Regulatory Impact Assessment (BRIA), Equality Impact Assessment (EqIA), Children's Rights and Wellbeing Impact Assessment (CRWIA), Fairer Scotland Duty Assessment, and Island Communities Impact Assessment (ICIA).

### Q72. Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 1 proposals?

- 6.7 Nine respondents provided comment at Question 72, including eight organisation respondents and one individual. Organisation respondents included four planning authorities, two planning professionals, a third sector and a private sector respondent.

### Q72. Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 1 proposals?

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>8</b>	<b>53</b>	<b>61</b>
<b>% of organisations</b>	<b>13%</b>	<b>87%</b>	<b>100%</b>
Public sector	4	18	22
<i>Planning authorities</i>	4	12	16
<i>Other public bodies</i>		6	6
Planning and other professionals	2	3	5
Private sector	1	13	14
<i>Digital telecoms</i>	1	4	5
<i>Rural economy</i>		3	3
<i>Other</i>		6	6
Third sector	1	19	20
<i>Environment/natural heritage</i>		9	9
<i>Community Councils/representative groups</i>	1	3	4
<i>Other</i>		7	7
<b>Individuals</b>	<b>1</b>	<b>57</b>	<b>58</b>
<b>% of individuals</b>	<b>2%</b>	<b>98%</b>	<b>100%</b>
<b>All respondents</b>	<b>9</b>	<b>110</b>	<b>119</b>
<b>% of all respondents</b>	<b>8%</b>	<b>92%</b>	<b>100%</b>

- 6.8 Comments on the initial and draft impact assessments are summarised below.

- Business and Regulatory Impact Assessment. Some planning authorities and planning professionals expressed concern that cost/benefit assessment within the BRIA does not take account of proposals for much of the development to be removed from the planning application to still be subject to prior notification/ prior approval processes. It was suggested that a complex prior approval process, for example for conversion of agricultural buildings, will deliver little benefit for applicants and planning authorities in terms of resources required, and determination timescales. This included specific concern that the reduction in fee income would increase cost pressures and is contrary to Scottish Government aspirations that local authorities move to full cost recovery. Concerns were also raised regarding

the potential impact of proposals for conservation areas and the attractiveness of rural landscapes more widely, and subsequent impact on tourism. A private sector respondent noted that PDR can reduce planning costs to help delivery of marginal sites, and support additional investment in telecommunications infrastructure.

- Fairer Scotland Duty Assessment. It was suggested that the proposals for PDR for agricultural development represent a significant shift in national planning policy, moving away from a plan-led approach to managing rural development. Concerns were expressed that prior notification/ prior approval would be insufficient to ensure proper scrutiny, and risked disenfranchising communities and third parties.
- Equalities Impact Assessment. It was queried that the EqlA does not identify any negative consequences.

**Q73. Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?**

6.9 Five respondents provided comment at Question 73. These were two planning professionals, a planning authority, a third sector respondent and an individual.

**Q73. Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?**

Respondent type	Answered	Not answered	Total
<b>Organisations</b>	<b>4</b>	<b>57</b>	<b>61</b>
<b>% of organisations</b>	<b>7%</b>	<b>93%</b>	<b>100%</b>
Public sector	1	21	22
<i>Planning authorities</i>	1	15	16
<i>Other public bodies</i>		6	6
Planning and other professionals	2	3	5
Private sector	0	14	14
<i>Digital telecoms</i>		5	5
<i>Rural economy</i>		3	3
<i>Other</i>		6	6
Third sector	1	19	20
<i>Environment/natural heritage</i>	1	8	9
<i>Community Councils/representative groups</i>		4	4
<i>Other</i>		7	7
<b>Individuals</b>	<b>1</b>	<b>57</b>	<b>58</b>
<b>% of individuals</b>	<b>2%</b>	<b>98%</b>	<b>100%</b>
<b>All respondents</b>	<b>5</b>	<b>114</b>	<b>119</b>
<b>% of all respondents</b>	<b>4%</b>	<b>96%</b>	<b>100%</b>

6.10 Comments on additional sources of information on the potential impact of PDR are summarised below.

- It was suggested that planning authorities hold information that would allow the Scottish Government to further consider whether the planning application is a genuine barrier to realisation of new residential and commercial development in rural areas.
- It was suggested that continuing assessment of the impact of PDR for conversion of agricultural buildings for residential use should include gathering of data to assess the impact of PDR on developer obligations and affordable housing delivery.
- Specific sources cited by respondents were:
  - [www.bats.org.uk](http://www.bats.org.uk)
  - [www.biodiversityinplanning.org](http://www.biodiversityinplanning.org)
  - [www.biodiversityinplanning.org/resources/publications](http://www.biodiversityinplanning.org/resources/publications)
  - [www.biodiversityinplanning.org/wildlife-assessment-check](http://www.biodiversityinplanning.org/wildlife-assessment-check)
  - <https://cieem.net/resource/planning-naturally>
  - [www1.biodiversityplanningtoolkit.com/?tm=1&subid4=1602866252.0014459802&kw=Biodiversity+Planning+System+Software&KW1=Biodiversity%20Planning%20Software&KW2=Project%20Management%20Software&KW3=Data%20Visualization%20Toolkit&searchbox=0&domainname=0&backfill=0](http://www1.biodiversityplanningtoolkit.com/?tm=1&subid4=1602866252.0014459802&kw=Biodiversity+Planning+System+Software&KW1=Biodiversity%20Planning%20Software&KW2=Project%20Management%20Software&KW3=Data%20Visualization%20Toolkit&searchbox=0&domainname=0&backfill=0)

## Annex 1 Organisations responding to the consultation

<b>Public sector: Planning authorities (n = 16)</b>
Aberdeen City Council
Aberdeenshire Council
Argyll and Bute Council
Cairngorms National Park Authority
City of Edinburgh Council
Comhairle nan Eilean Siar
Dundee City Council (Planning Team)
East Ayrshire Council
East Dunbartonshire Council
Fife Council
Glasgow City Council, Planning Department
Loch Lomond & The Trossachs National Park Authority
North Ayrshire Council, as Planning Authority
North Lanarkshire Council
South Lanarkshire Council
Stirling Council
<b>Public sector: Other public bodies (n = 6)</b>
Crown Estate Scotland
Historic Environment Scotland
Scottish Environment Protection Agency
Strathclyde Partnership for Transport
The Metropolitan Glasgow Strategic Drainage Partnership
The Ministry of Defence
<b>Planning and other professionals (n = 5)</b>
Aurora Planning Limited
Chartered Institute for Archaeologists
Heads of Planning Scotland (HOPS)
Royal Incorporation of Architects in Scotland
Royal Town Planning Institute Scotland (RTPI)
<b>Private sector: Digital telecoms (n = 5)</b>
Cellnex UK
CityFibre Holdings Ltd
Mobile UK
Openreach
Wireless Infrastructure Group (WIG)

<b>Private sector: Rural economy (n = 3)</b>
Central Association of Agricultural Valuers / Scottish Agricultural Arbiters and Valuers Association
NFU Scotland
Scottish Land & Estates (SLE)
<b>Private sector: Other (n = 6)</b>
AGS Airports
EDF
Mineral Products Association Scotland
NATS En Route
Scottish Renewables
Scottish Water
<b>Third sector: Environment/natural heritage (n = 9)</b>
Bat Conservation Trust
John Muir Trust
National Trust for Scotland
North East Mountain Trust
RSPB Scotland
Scottish Environment LINK Hilltracks group
Scottish Environment LINK Planning Group
Scottish Wildlife Trust
Transition Edinburgh
<b>Third sector: Community Councils and representative groups (n = 4)</b>
Echt & Skene Community Council
Old Aberdeen Community Council
Stirling Area Access Panel
Westhill & Elrick Community Council
<b>Third sector: Other (n = 7)</b>
Built Environment Forum Scotland
Cycling Scotland
Cycling UK in Scotland
Paths for All
Social Farms and Gardens
Spokes, The Lothian Cycle Campaign
Sustrans Scotland

## Annex 2    Abbreviations used

Abbreviation	Full term
BRIA	Business and Regulatory Impact Assessment
EqIA	Equality Impact Assessment
GPDO	General Permitted Development Order
HOPS	Heads of Planning Scotland
LDP	Local Development Plan
MOD	Ministry of Defence
PDR	Permitted Development Rights
SEA	Strategic Environmental Assessment
SSSI	Site of Special Scientific Interest



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