

Scottish Government Review of Permitted Development Rights

Phase 2 Consultation

May 2022

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1. Introduction

Overview

- 1.1. The Scottish Government is carrying out a review of permitted development rights (PDR) as part of our wider planning reform programme. The review is being taken forward in phases, with each phase looking at the potential for new and extended PDR for specific development types.
- 1.2. This consultation document sets out – and seeks views on – proposed changes to PDR, as well as the use classes order, which are being considered through Phase 2 of the review. Our Phase 2 proposals relate to:
 - Electric vehicle charging infrastructure
 - Changes of use in centres and other locations
 - Port development

Previous consultations

- 1.3. This Phase 2 consultation follows on from the [November 2019 consultation on the overall PDR work programme](#) and associated Sustainability Appraisal of options. An [independent analysis](#) of responses to the consultation on the Proposed Work Programme and Sustainability Appraisal was published on 30 September 2020. The responses informed the development of the detailed proposals for change we are consulting on now.
- 1.4. [In October 2020 we consulted on Phase 1 measures](#) relating to digital telecommunications infrastructure, agricultural development, peatland restoration and active travel. An [independent analysis](#) of responses to the Phase 1 consultation was published on 18 December 2020. The measures taken forward following the Phase 1 consultation came into force on 1 April 2021¹.
- 1.5. This Phase 2 consultation is itself accompanied by an update to the 2019 Sustainability Appraisal (see **Annex A**), and an updated [Draft Strategic Environmental Assessment \(SEA\) Post Adoption Statement](#).

This consultation

- 1.6. We are seeking feedback on the proposed changes outlined in Chapters 2, 3 and 4 of this document and the additional sustainability appraisal work which has been carried out. Views are also sought on the draft assessments that accompany the proposals (see Chapter 5).
- 1.7. This consultation runs until 3 August 2022, which is the closing date for responses. Chapter 6 of this document explains how to respond to the consultation. Feedback from respondents will inform the further refinement of proposals and the preparation of the regulations that would bring any changes flowing from this consultation into force. We anticipate that such regulations would be laid in the Scottish Parliament later in Autumn 2022.

¹ See the Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Amendment Order 2020.

Permitted Development Rights and the Use Classes Order

- 1.8. PDR refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without an application for planning permission having to be submitted to – and approved by – the relevant planning authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).
- 1.9. In most cases, PDR are subject to conditions and limitations specified in the GPDO. These may for example specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, national scenic areas etc.) or provide that the PDR only apply to certain developers (e.g. local authorities, electronic communications operators or statutory undertakers). Proposed developments that do not fall within the scope of PDR, including any conditions, must be the subject of a planning application.
- 1.10. The definition of “development” under planning legislation² includes making a material change to the use of land or buildings³. Material changes of use therefore require planning permission. However, the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) groups together various land uses with broadly similar planning impacts into separate “use classes”. Legislation⁴ provides that a change of use within a use class does not constitute development for planning purposes, and so planning permission is not required.
- 1.11. Both PDR and the UCO have the effect of allowing certain works or changes of use to take place without the need to seek planning permission from the planning authority. In doing so, they can help provide certainty for developers and save the time and expense associated with preparing a planning application. They can also reduce burdens on planning authorities, allowing them to focus resources on more complex and/or strategic cases.
- 1.12. The key difference is that the UCO takes specified changes of use entirely out of the scope of planning control by providing that they do not involve development. PDR, on the other hand, grant permission for specified forms of development (including certain changes of use) and can therefore be tailored through conditions and limitations.
- 1.13. The planning flexibilities provided by PDR and the UCO apply nationally. That is why PDR typically relate to relatively minor, uncontroversial developments or changes associated with an existing development. They tend to cover situations where it is unlikely that planning permission would be refused or where standardised conditions are likely to be used, and

² See section 26(1) of the Town and Country Planning (Scotland) Act 1997.

³ Whether a change of use is material will depend on the circumstances of the case. It will depend on, for example, the current use, the proposed use, the nature of the area and the potential impacts of the change on the amenity and environment of the area.

⁴ See section 26(2)(f) of the Town and Country Planning (Scotland) Act 1997.

therefore, where consideration on the principle of the development by a planning authority on an individual basis is unlikely to add value to the process.

Masterplan Consent Areas

- 1.14. Part 2 of the Planning (Scotland) Act 2019 contains powers that, once in force, would allow planning authorities to designate Masterplan Consent Areas (“MCA”). The Act provides that a MCA can grant planning permission (and other consents) for the type(s) of development identified in a masterplan scheme, within the specific area covered by the scheme.
- 1.15. These powers are intended to provide authorities with a new tool to proactively promote local growth and investment. They have the potential to provide localised planning flexibilities which are tailored to the specific needs and circumstances of an area. For this reason, MCA may be a more appropriate mechanism than PDR or the UCO in some instances. This is explored in more detail in this consultation. Our [updated planning reform programme](#) (October 2021) indicates that work to implement MCAs will be progressed during the course of 2022.

Other General PDR Provisions

- 1.16. The GPDO contains a number of important restrictions on PDR. For the purposes of this consultation, the key restrictions to be aware of are:
- PDR would not apply where an environmental impact assessment (EIA) would be required under [The Town and Country Planning \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(legislation.gov.uk\)](#).
 - An additional approval (from the planning authority) and appropriate assessment would be required for works likely to have significant effects on a European Site – under The Conservation (Natural Habitats &c.) Regs 1994.
 - No authorisation for any development other than development permitted by Parts 9 (repairs to private roads and private ways), 11 (development under local acts or private acts or orders) and 24 (toll road facilities) and Class 31 (roads authority development) of the GPDO, which requires the formation, laying out or material widening of a means of access to an existing road which is a trunk road or a classified road or creates an obstruction to the view of persons using any road used by vehicular traffic, so as to be likely to cause danger to such persons.
- 1.17. Article 4 of the GPDO contains provisions which allow planning authorities or Scottish Ministers to make Directions (commonly known as Article 4 Directions) removing PDR for particular types of development or classes of development. For example, Article 4 Directions limiting permitted development are sometimes used by planning authorities to restrict development in conservation areas.

2. Electric Vehicle Charging Infrastructure

Context

- 2.1 The [New report on the future of public EV charging infrastructure](#) (‘the Report’) and [A Network fit for the Future: Draft Vision for Scotland’s Public Electric Vehicle Charging Network](#) (‘the Draft Vision’) discuss the need and objectives for public electric vehicle (‘EV’) charging infrastructure. This is in the context of our climate change targets, our [Mission Zero for Transport](#), and the anticipated growth in EV ownership.
- 2.2 The Scottish Government has world-leading climate targets, setting legally-binding requirements to achieve a 75% reduction in greenhouse gas emissions by 2030 and to achieve Net Zero by 2045. The transport sector is currently the greatest contributor of emissions, emitting a total of 13.9 million tonnes of carbon dioxide equivalent in 2019, with road transport contributing the most.
- 2.3 The Draft Vision indicates that we might expect the number of EV to increase to anywhere between 500,000 and 1 million by 2030. We currently have in excess of 2100 charging points in Scotland, and the Report referred to the Climate Change Committee estimate that the number of such charging points would need to grow to 30,000 to meet the growth in demand⁵.
- 2.4 This Chapter of the consultation paper therefore considers changes to the existing PDR for EV charging for off-street parking area, i.e. Classes 9E and 9F of the GPDO.
- 2.5 Given the anticipated scale of future demand for EVs, this Chapter also considers the case for introducing new PDR that would support the provision of charging infrastructure in locations other than areas for off-street parking. Specifically, it explores whether there might be merit in using PDR to facilitate the roll-out of chargers located on or adjacent to pavements, as well as the conversion of petrol stations to charging forecourts.

Current PDR for EV Charging

- 2.6 Classes 9E and 9F of the GPDO provide specific PDR for EV charging infrastructure located in off-street parking areas, the wording of which are set out at the end of this Chapter (see Box 1 and Box 2). See also the general conditions and limitations on PDR mentioned in paragraph 1.16 of this consultation paper, which apply to these and other classes of PDR
- 2.7 Local authorities also have more general PDR (Class 30 of the GPDO) for development required in connection with the operation of any public service administered by them. These are not subject to the conditions and limitations that are specific to Classes 9E and 9F (e.g. they are not limited to off-street parking areas or restricted in particular locations such as National Parks),

⁵ [Climate Change Committee 6th Carbon Budget, Surface Transport \(December 2020\)](#)

but are subject to the general conditions and restrictions mentioned in paragraph 1.16.

Proposed Changes to Class 9E: Wall-Mounted EV Chargers (Off-street Parking Areas)

- 2.8 Class 9E grants planning permission for wall mounted EV charging points in an area lawfully used for off-street parking. Class 9E also makes specification regarding size and location of such EV charging points; lists areas in which the PDR do not apply; and specifies conditions on nameplates and for the removal of redundant equipment and reinstatement of walls.
- 2.9 These PDR relate to relatively small development on an existing wall in an existing off-street parking area, i.e. areas already subject to development. The list of areas in which the PDR are restricted⁶ is quite extensive, which may discourage the people living in and travelling to such locations from switching to EV.
- 2.10 We therefore do not consider the restriction of these PDR in the areas specified in Class 9E(3) is justified, especially given the role that EV charging infrastructure will play in helping to tackle climate change. Where particular locations raise concerns requiring the consideration of a planning application then the option of an 'Article 4 direction' (paragraph 1.17) can be considered. We therefore propose to remove the current restrictions on this PDR in those areas.
- 2.11 The conditions regarding nameplates in these PDR were intended to avoid any issues around adverts and signage on EV infrastructure. With a view to simplifying the legislation where possible, we are interested in whether respondents consider these requirements useful.

Q1. Do you agree with the removal of restrictions on Class 9E PDR, for wall-mounted EV charging outlets, in the specified areas currently listed in Class 9E(3)? Please explain your answer

Q2. Should the conditions regarding nameplates be withdrawn from Class 9E on wall-mounted EV charging outlets? Please explain your answer.

⁶ Sites of archaeological interest, national scenic areas, historic gardens or designed landscapes, historic battlefields, conservation areas, National Parks and World Heritage Sites.

Proposed Changes to Class 9F: EV Charging Upstands (Off-street Parking Areas)

- 2.12 Class 9F grants planning permission for EV charging point upstands in an area lawfully used for off-street parking. Class 9F also makes specification regarding the size, number and location of such upstands, lists those areas in which the PDR do not apply and specifies conditions on nameplates and for the removal of redundant equipment and reinstatement of land.
- 2.13 We propose to extend Class 9F to those areas (listed at Class 9F(3)) where these PDR are currently restricted. As with Class 9E, this is on the basis that the areas where the PDR applies (i.e. existing parking areas) are already developed and reflects the projected increase in EV ownership, the associated need for charging infrastructure and its importance in helping to tackle climate change. Again the option of an 'Article 4 direction' (paragraph 1.17) can be considered for locations that are particularly sensitive.
- 2.14 As with Class 9E we are interested in the question of whether the conditions on nameplates can be withdrawn.
- 2.15 Higher powered chargers (HPCs) need a larger power supply which in itself requires bigger cabinets. In addition, most HPCs have separate 'power modules' which convert AC current to DC, taking up more space in the cabinet. Some also have built-in battery storage.
- 2.16 We therefore propose to extend the height restriction on EV charging upstands in Class 9F from 1.6 metres to 2.5 metres, and that this should apply in all locations, i.e. given the proposed removal of restrictions on PDR in areas currently listed in Class 9F(3).
- 2.17 We do intend, however, to retain the current 1.6 metre height limit where such upstands are to be located within the curtilage of a dwelling, to limit residential amenity issues.
- 2.18 There is the potential to improve the sustainability benefits of EV charging points where these are powered by renewable means. The provision of an accompanying canopy can accommodate solar panels to generate electricity, which can be enhanced by using on-site electrical storage (and associated apparatus). This can help to ensure that electricity from solar panels and the use of off-peak electricity is maximised, reducing the impact of charging on the grid. This is likely to be increasingly important with the growth of high speed, high power charging points.
- 2.19 A number of electrical charging stations have been developed recently which include canopies with solar panels, for example: Falkirk Council has developed a hub for 26 vehicles; and Charge Place Scotland has developed a low carbon travel hub in Stirling with 32 EV chargers. These hubs have solar panels on canopies above the charging stations; Falkirk's hub generates over 30% of its charging power from solar energy and Stirling's also includes on-site battery storage to maximise use of the excess energy created.

- 2.20 It is therefore proposed to allow the development of canopied charging stations under PDR for upstands in off-street parking areas, as long as the canopy is used for solar panels to provide electricity for the charging station only. It is also proposed to allow on-site battery storage and housing for associated apparatus in order to make such facilities as sustainable as possible.
- 2.21 We are considering extending Class 9F PDR for EV upstands in off-street parking areas to grant planning permission for:
- canopies up to four metres in height; and
 - battery storage and related equipment housing consisting of up to two cabinets/ containers of 27 cubic metres (i.e. 3m x 3m x 3m) each.
- 2.22 We anticipate including a condition that such structures would be for the powering of the EV charging on-site only.
- 2.23 We are also considering extending Class 9F PDR to include equipment housing for upstands with no solar canopies, to cover any need for switching gear for example. This would be a single cabinet / container of 27 cubic metres (i.e. 3m x 3m x 3m). Where sites have mixed power sources, no more than two cabinets would be allowed under PDR.
- 2.24 It is recognised that these are not insubstantial developments, which would not be acceptable in all locations. As such, we consider that any PDR for solar canopies and battery storage associated with EV chargers in off-street parking areas should not apply in the following areas:
- a site of archaeological interest;
 - a National Scenic Area;
 - a historic garden or designed landscape;
 - a historic battlefield;
 - a conservation area;
 - a National Park;
 - a World Heritage Site; and
 - the curtilage of a dwelling.
- 2.25 This is not to rule out the development of solar canopies, battery storage or equipment housing in these areas, but given the scale involved to require a case by case consideration through an application for planning permission.
- 2.26 Additionally, we consider there should be some restriction on the location of solar canopies, battery storage and equipment housing developed under these proposed new PDR. Specifically, we propose that such developments should not be allowed within five metres of any part of a road (see paragraph 2.32 below), or within 10 metres of the curtilage of a dwelling.
- 2.27 So in summary – with respect to PDR for charging upstands in off-street parking areas – we propose to:

- Remove the restriction on Class 9F so it applies to off-street parking areas located in specified areas.
- Increase the maximum height of upstands permitted under Class 9F from 1.6m to 2.5m (except within the curtilage of a dwelling).
- Introduce PDR for solar canopies (up to 4m) and related battery storage and equipment housing (maximum two; up to 27 cubic metres each) associated with EV upstands (would not apply in specified areas or within 5m of a road or within 10m of a dwelling).
- Introduce PDR for equipment housing (maximum two; up to 27 cubic metres each) associated with non-solar EV upstands (would not apply in specified areas or within 5m of a road or within 10m of the curtilage of a dwelling).

2.28 As noted above, we are also interested in views on removing or amending current conditions relating to nameplates

Q3. Do you agree with the removal of current restrictions on Class 9F PDR for EV charging upstands in the specified areas currently listed in Class 9F(3)? Please explain your answer.

Q4. Should the conditions regarding nameplates be withdrawn from Class 9F on EV charging upstands? Please explain your answer.

Q5. Do you agree with the proposed increase in height allowable for EV charging upstands under Class 9F PDR from 1.6 metres to 2.5 metres in all off-street parking locations, except within the curtilage of a dwelling? Please explain your answer

Q6. Do you agree with the proposal to introduce PDR for solar canopies and related battery storage and equipment housing for EV charging upstands in off-street parking areas? Please explain your answer.

Q7. Do you agree with the proposal to introduce PDR for equipment housing for EV charging upstands in off-street areas where solar canopies are not provided? Please explain your answer.

Q8. Do you agree with the list of areas within which new PDR for such solar canopies and related battery storage and equipment housing should not apply? Please explain your answer.

Q9. Do you agree with the suggested height limit of 4 metres on PDR for solar canopies for EV charging upstands in off-street parking areas? Please explain your answer.

Q10. Do you agree with the proposal that any new PDR for solar canopies, battery storage and equipment housing for EV charging upstands in off-street parking areas should not apply

within 5 metres of a road and 10 metres of the curtilage of a dwelling? Please explain your answer.

On-street/Kerbside Charging

- 2.29 The Draft Vision and the Report mentioned at the start of this Chapter indicate the issues driving the need for EV charging infrastructure and the scale of the task.
- 2.30 The Draft Vision indicates that expansion of the public charging network will need to continue to be planned in a way that best reflects local geographies and the requirements of users. It also states that we can expect a shift towards a public charging network largely financed and operated by the commercial sector; it acknowledges we are not at that stage yet, nor will there be a uniform approach to that transition across Scotland. It anticipates that the public sector will continue to play an important role in the transition, but the nature of its support will not remain static.
- 2.31 It is reasonable to assume that the predicted scale of future EV ownership will increase the need for chargers (public and private) located on or adjacent to the pavement (e.g. where a residence does not have off-street parking). Although the Report and Draft Vision do not mention on-street charging infrastructure specifically, it is the subject of UK Government guidance⁷. The provision of on-street charging infrastructure involves considerations that extend beyond planning. However, we want to take this opportunity to explore the issues further and consider whether additional PDR might assist in meeting this demand.
- 2.32 Roads are different from other land. A ‘road’ in this context includes the carriageway, footway, footpath, cycle way and verge⁸. Private or public EV charging points, upstands or related infrastructure located in the road present a particular set of considerations and issues. There may be impacts on the built and natural heritage and on visual amenity. As the Equality Impact Assessment at Annex C acknowledges, the introduction of physical and visual obstructions have the potential to adversely affect certain groups disproportionately. There would also be implications around parking and traffic flows, long-term maintenance and potential impacts on local amenity. These are all relevant considerations when thinking about the potential for PDR that expressly relate to chargers located in the road.
- 2.33 Another important consideration is that controls other than planning apply where development, works or installations take place in the road. This includes both regulatory/consenting regimes and commercial/contractual arrangements. The scope of such controls, and whether they are sufficient to manage and mitigate the issues in paragraph 2.32, will help inform:
- **what** any PDR for on-street charging infrastructure would grant permission for, and what conditions it would be subject to;

⁷ [On-Street Residential Chargepoint Scheme guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/on-street-residential-charging-point-scheme-guidance-for-local-authorities)

⁸ “Road” in the GPDO has the same meaning as in section 151 of [Roads \(Scotland\) Act 1984 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1984/36)

- **who** such a PDR would apply to; and
 - **where** it would apply.
- 2.34 There are provisions under the Roads (Scotland) Act 1984 and the New Roads and Street Works Act 1991 as regards: offences for obstructions in the road; requirements to obtain consent from the roads authority for placing apparatus in the road; and to consult with the relevant roads authority on placement. These would continue to apply even if a specific PDR related to on-street infrastructure were taken forward.
- 2.35 Local authorities already have, as indicated in paragraph 2.7, general PDR for structures for public services administered by them – Class 30 of the GPDO. Unlike Classes 9E and 9F, these PDR are not restricted to specific locations. We would welcome views on whether it may be useful to clarify the applicability of Class 30 to EV charging infrastructure.
- 2.36 Up to now, there has been public sector involvement (beyond regulatory functions), particularly through local authorities, in public EV charging infrastructure provision. Whilst this is likely to continue in future, the nature of that public or local authority involvement will evolve. The Report indicates the potential for different models for public EV charging infrastructure moving forward, with the private sector taking an increasing role in financing, installing and operating the apparatus. It refers to various examples, including concessionary arrangements, landlord/lease arrangements and other mixed models.
- 2.37 Such potential approaches may have implications as to the applicability of Class 30 PDR to public EV charging infrastructure provided within a road. That is, the extent to which the current Class 30 PDR would apply will depend on how the local authority and/or private sector interests deliver and administer the infrastructure. New approaches may also affect, for example, the ability of local authorities to exert control through contractual arrangements (mentioned in paragraph 2.33).
- 2.38 In light of this, we would welcome views on whether changes to existing local authority PDR and/or new PDR for different parties may be required to address emerging approaches to the roles of the public and private sectors in the delivery of EV charging infrastructure. For example, to ensure Class 30 PDR, insofar as they relate to EV charging infrastructure, apply to development which is installed and operated by parties acting on behalf of, or in partnership with, a local authority.
- 2.39 There are also matters relating to the role of Distribution Network Owners (“DNOs”) in providing grid connection (In Scotland, Scottish and Southern Electricity Networks and SP Energy Networks). This links to the fact that aspects of EV charging infrastructure are matters reserved to the UK Parliament and UK Government, and so they and Ofgem have roles in these matters.

- 2.40 Certain actors, such as electricity undertakers like the DNOs, already have PDR and rights in relation to access to the road network for the purposes of their activities. Add to that any changes UK Government and Parliament might make as regards reserved matters in relation to EV charging and the rights and obligations of parties in that regard (in a similar vein to electricity undertakers or electronic communications code system operators).
- 2.41 Such additional rights and PDR mean we need to ensure that any amendments do not inadvertently create gaps in the regulatory environment when considering extending PDR for EV charging infrastructure.
- 2.42 Given the various issues associated with development in a road, coordinating public EV charging infrastructure, changing delivery models, UK level legislation and the existence of controls under roads legislation, we are interested in views on the following questions:

Q11. Would it be helpful to amend Class 30 PDR for local authorities to make clear they apply to EV charging points and any associated infrastructure? Please explain your answer.

Q12. Do local authority PDR need to be amended to take account of emerging models for financing, delivering and operating EV charging infrastructure, and the changing nature of private sector involvement? Please explain your answer.

Q13. Should PDR for EV charging infrastructure in roads apply to parties other than local authorities? Please explain your answer.

Q14. If so, would such PDR for other parties need to be linked to some arrangement with local authorities or other form of authorisation? Please explain your answer.

Q15. What conditions and limitations would need to be placed on any additional PDR for EV charging infrastructure in roads? Please explain your answer.

Q16. In relation to extending PDR for EV charging infrastructure in roads, what issues need to be considered regarding existing PDR, and rights to access the roads network, for infrastructure which are available to other sectors, such as electricity undertakers? Please explain your answer.

Changes to Existing Petrol Stations

- 2.43 We can envisage that in future existing stations selling petrol and diesel may wish to convert to EV charging hubs. This would likely involve a change to the buildings and structures on site – e.g. solar canopies and battery storage.

- 2.44 We are considering PDR providing for such conversions, subject to conditions/limitations providing that:
- the area of physical development on site not be increased;
 - replacement buildings and structures can be no higher than existing (distinguishing between occupied buildings and structures such as canopies and equipment housing); and
 - no changes to the access arrangements to the road, unless otherwise agreed with the planning authority.
- 2.45 We recognise within this broader approach to such PDR, additional conditions and limitations, or further specification of those identified above, may be required.

Q17. Do you agree in principle with having PDR for changing existing petrol/diesel stations to EV charging only? Please explain your answer.

Q18. If so, what, if any, further specification of the conditions and limitations identified, or additional ones, would be required for such? Please explain your answer.

Box 1: Existing PDR: Class 9E – Wall-Mounted EV Chargers in Off-street Parking Areas

Class 9E

- (1) The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.
- (2) Development is not permitted by this class if the electrical outlet (including its casing) would—
 - (a) exceed 0.5 cubic metres; or
 - (b) face onto and be within 2 metres of a road.
- (3) Development is not permitted by this class in the case of land within—
 - (a) a site of archaeological interest;
 - (b) a national scenic area;
 - (c) a historic garden or designed landscape;
 - (d) a historic battlefield;
 - (e) a conservation area;
 - (f) a National Park; or
 - (g) a World Heritage Site.
- (4) Development is permitted by this class subject to the conditions that—
 - (a) any name plate of the charging point provider or the energy supplier on the outlet (including its casing) must be no longer than 70 centimetres;
 - (b) there must be no more than 2 name plates attached to the outlet (including its casing);
 - (c) where 2 name plates are attached to the outlet (including its casing), each name plate must be facing in opposite directions;
 - (d) any name plate must not be illuminated.
- (5) Development is permitted by this class subject to the conditions that when no longer needed as a charging point for electric vehicles—
 - (a) the development must be removed as soon as reasonably practicable; and
 - (b) the wall on which the development was mounted or into which the development was set must, as soon as reasonably practicable, and so far as reasonably practicable, be reinstated to its condition before that development was carried out.

Box 2: Existing PDR: Class 9F – EV Charging Upstands in Off-street Parking Areas

Class 9F

- (1) The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.
- (2) Development is not permitted by this class if the upstand and the outlet (including its casing) would—
 - (a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
 - (b) be within 2 metres of a road; or
 - (c) result in more than one upstand being provided for each parking space.
- (3) Development is not permitted by this class in the case of land within—
 - (a) a site of archaeological interest;
 - (b) a national scenic area;
 - (c) a historic garden or designed landscape;
 - (d) a historic battlefield;
 - (e) a conservation area;
 - (f) a National Park; or
 - (g) a World Heritage Site.
- (4) Development is permitted by this class subject to the conditions that—
 - (a) any name plate of the charging point provider or the energy supplier on the upstand or outlet (including its casing) must be no longer than 70 centimetres;
 - (b) there must be no more than 2 name plates attached to the upstand or outlet (including its casing);
 - (c) where 2 name plates are attached to the upstand or outlet (including its casing), each name plate must be facing in opposite directions;
 - (d) any name plate must not be illuminated.
- (5) Development is permitted by this class subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—
 - (a) the development must be removed as soon as reasonably practicable; and
 - (b) the land on which the development was mounted or into which the development was set must, as soon as reasonably practicable, and so far as reasonably practicable, be reinstated to its condition before that development was carried out.

3. Changes of Use in Centres

Strategic Context

- 3.1. Scotland's city, town and local centres are vital assets – providing a focus for economic, cultural and social interaction, and having a key role to play at the heart of place-based strategies and in supporting the establishment of 20-minute neighbourhoods. But our centres also face significant challenges – many of which are long-standing, complex and have been exacerbated by the Covid-19 pandemic.
- 3.2. Recognising this, in July 2020 the Scottish Government established a Review Group chaired by Professor Leigh Sparks, which was asked to develop ideas and recommendations as to how we can make our town centres greener, healthier and more equitable. The Scottish Government also established a City Centre Recovery Task Force in March 2021, chaired by the Cabinet Secretary for Finance and the Economy, run in partnership with Scotland's seven cities through the Scottish Cities Alliance. The Task Force sought to identify immediate recovery priorities that could support making our city centres vibrant, living places; green and connected places; safe places; and also working places, for their businesses, investors, residents, visitors, commuters, and other users of the city centre.
- 3.3. The Town Centre Review Group published its report, [A New Future For Scotland's Town Centres](#), in February 2021. Reflecting the multi-faceted nature of the issues facing our centres, the report made a range of recommendations spanning multiple policy areas including taxation, transport, housing and planning. Scottish Government and COSLA issued a [joint response to the report in April 2022](#). The City Centre Recovery Task Force published its report, [At the Heart of Economic Transformation](#), in March 2022. The Task Force's report identified a range of potential actions and priorities to support city centre recovery. Like the Town Centre Review Group, the Task Force's suggested actions are cross-cutting, involving a range of policy areas.
- 3.4. The core recommendations the Review Group made in respect of planning focussed on policy-based measures rather than deregulatory tools such as PDR or the UCO. In particular, it advocated strengthening national planning policy status of centres through the fourth National Planning Framework (NPF4).

Emerging Planning Policy Context

- 3.5. NPF4 was published in draft by the Scottish Government in November 2021 for a period of public consultation which ran until 31 March 2022. The document contains several draft policies that are intended to support the resilience and recovery of Scotland's centres. In particular:
 - Draft Policy 24: Centres
 - Draft Policy 25: Retail
 - Draft Policy 26: Town Centre First Assessment
 - Draft Policy 27: Town Centre Living

- 3.6. The planning system in Scotland is plan-led. This means that policies contained in development plans are the starting point for decisions on applications for planning permission. By law, planning applications are determined in accordance with the development plan unless material considerations indicate otherwise⁹.
- 3.7. Unlike its predecessors, NPF4 will – once adopted by the Scottish Ministers – be part of the statutory development plan against which planning applications are determined. It will therefore influence planning decisions more directly than previous iterations of the NPF. Accordingly, the NPF4 is considered the most important lever for achieving Scottish Government’s long-term planning policy objectives for our city, town and local centres.
- 3.8. Given the scale of the challenge, it is important that we consider all the tools at our disposal which could play a part in supporting the health of Scotland’s centres – including potential changes to the UCO and/or PDR. That is the focus of this Chapter, and reflects the commitment (made in the [joint SG-COSLA response to the Review Group’s report](#)) to seek views on how UCO or PDR changes could support recovery. But given the future role and status of the NPF4, any UCO or PDR amendments need to complement, rather than counteract, the draft policies it contains and the plan-led approach it promotes.
- 3.9. It is also important to underline that the planning system (whether planning policies or deregulatory tools such as the UCO or PDR) is not the only mechanism that has the potential to support Scotland’s centres. This is reflected in the cross-cutting nature of the recommendations and actions identified in the Town Centre Review Group and City Centre Recovery Task Force reports. The measures set out below should be viewed in this context.

Potential changes to the UCO

- 3.10. As noted in paragraph 3.4, the Town Centre Review Group’s planning recommendations focussed on policy-based measures. However, it also suggested that Scottish Government should consider “the desirability of a revision perhaps to a more general Town Centre Use Class”. It is not entirely clear from the Review Group’s report what such a use class would entail or how it is envisaged to work. However, it is important to stress that the UCO is not a spatial tool; its provisions apply across Scotland and any changes would therefore apply in all locations, not just in centres. For reference, the current UCO and applicable PDR are set out in Table 1 at the end of this Chapter.
- 3.11. Notwithstanding this important caveat, in our view a “general town centre use class” would – in broad terms – involve the establishment of a new class which brings together a variety of uses which are commonly found in (or associated with) city, town and local centres but which currently sit in separate use classes. The effect of doing so would be that any changes of

⁹ Section 25 of the Town and Country Planning (Scotland) Act 1997

use within this broader, merged use class would not involve development and hence not require planning permission. The UK Government has recently taken forward such a measure through the introduction of a new “Commercial, Business and Service” use class, which is known as Class E¹⁰.

- 3.12. We consider that such a proposal has some potential merit. By bringing uses together and allowing movement between them, the introduction of an expanded/merged use class would give businesses and other occupiers greater flexibility to adapt more rapidly to changing circumstances, community needs and customer demands. This would potentially help centres become more agile and responsive. It would also recognise that centres have changed considerably since the UCO was introduced, as have the business models of those operating there and the challenges they face. In many cases, buildings do not fit neatly into a single use class: they may have a number of concurrent uses or be in different uses at particular times of day. A merged use class would enable such changes to take place without planning permission needing to be sought. It therefore has the potential to promote diverse and mixed uses in our centres, in line with the Review Group’s recommendations and policies in Draft NPF4, and give confidence to businesses, developers and investors.
- 3.13. If a new, merged use class were to be taken forward, a critical consideration is what uses should be included within it. Arguably uses falling within Class 1 (shops), Class 2 (financial and professional services), Class 3 (food and drink), Class 4 (business), Class 7 (hotels and hostels), Class 10 (non-residential institutions) and Class 11 (assembly and leisure) can be characterised as “town/city centre uses”. Indeed, a number of sui generis¹¹ uses (e.g. theatres, pubs, hot food takeaways, flats, student accommodation) are also features of centres, as are residential uses within Classes 8, 8A and 9.
- 3.14. Clearly, there are a number of ways a merged class could be taken forward, with various possible permutations in terms of the uses included in a new class. In determining whether uses could or should be included in a merged use class, it is important to underline that any change of use falling within such a class would not be subject to planning control. This includes changes to – but also changes from – those uses contained within a new class. Not only would such changes of use not require planning permission, it would not be possible for planning authorities to control or mitigate associated impacts (e.g. noise, transport) through planning conditions or obligations. Other regimes – including building standards, licensing and environmental health – would continue to apply, however.

¹⁰ Class E brings together the English equivalents of Class 1 (shops), Class 2 (financial and professional services), Class 3 (food and drink), class 4 (business) and certain uses from Class 10 (non-residential institutions) and Class 11 (assembly and leisure)

¹¹ Sui generis – in a class by itself. So, for example, a change of use of a building to use as a theatre or from use as a theatre is not excluded from ‘development’ by the UCO. Whether such changes are ‘development’ depends on whether the change of use is material in the circumstances of the case.

- 3.15. Accordingly, we do not think it would appropriate or desirable to include uses more likely to have significant negative impacts on those around them – also known as ‘bad neighbour’ uses. We are also not minded to include Class 4: if this formed part of the same merged class as Class 1, it would allow (amongst other things) out-of-centre office blocks to change to retail use. Such a scenario could undermine emerging policy in the Draft NPF4, notably Policies 24 and 25. Although we are not minded to include Class 4 if a merged use class were taken forward, we are considering the potential for a PDR for a change of use to Class 4 (see paragraphs 3.20 to 3.23).
- 3.16. As an indicative proposal we could bring together Classes 1, 2 and 3 into a single class. Going further, certain uses in Class 10 (e.g. art galleries) and class 11 (e.g. gyms) could also be included. We would welcome respondents’ thoughts on such a merged use class, and whether it would help to support our wider aspirations for Scotland’s centres – including helping to tackle vacant units. It should be noted that there are already PDR for a change of Class 2 and Class 3 units to Class 1 (see Table 1). These PDR can provide for, amongst other things, the creation of “pop up” shops including within vacant premises.
- 3.17. The additional flexibility that a merged use class would offer has the potential to offer multiple benefits. But, as the text above alludes to, such a substantial change to the UCO is not without risks. In summary, we consider the key issues are that:
- The flexibilities offered by a new, expanded use class would apply in all areas – not just centres.
 - The lack of planning control could lead to the loss of certain uses (e.g. retail) in particular locations, resulting in concentrations or clustering of uses rather than a diverse mix of uses.
 - Although other regulatory regimes would continue to apply, planning would not be able to control or mitigate impacts on existing premises that could arise where changes of use take place (e.g. where a retail unit located below a flat becomes a restaurant).
- 3.18. We are keen to hear respondents’ views on how significant these issues are; this will help inform our consideration of whether, on balance, the benefits of a merged use class justify making the change. We would also welcome views on other potential changes to the UCO that might help to support Scotland’s city, town and neighbourhood centres.

Q19. Do you consider that a merged use class bringing together several existing classes would help to support the regeneration, resilience and recovery of Scotland’s centres? Please explain your answer.

Q20. What do you consider to be the key risks associated with such a merged use class, and do you think that non-planning controls are sufficient to address them? Please explain your answer.

Q21. Are there any other changes to the UCO which you think would help to support Scotland's centres? Please explain your answer.

- 3.19. Ultimately, it may be that the flexibilities offered by a merged use class would be beneficial in some locations but less so in others; any changes to the UCO would apply across Scotland. As noted in paragraph 1.14, because Masterplan Consent Areas (MCA) can grant planning permission (and other consents) for specified forms of development, they have the potential to offer similar flexibilities to the UCO or PDR. However, these would only apply to the particular area or site covered by the MCA scheme and so can be tailored to the specific needs and pressures it faces. We would welcome views on the potential role that MCA could play in supporting development and change in centres.

Q22. Do you agree that MCA could be a useful tool to provide more extensive planning freedoms and flexibilities in Scotland's centres? Please explain your answer

- PDR for provision of workspace
- 3.20. As Scotland recovers from the pandemic, the increase in hybrid and other working patterns is likely to lead to a growth in the need for smaller-scale, decentralised workspaces. Such spaces have the potential to help nurture local enterprise, entrepreneurship and innovation. Furthermore, the provision of small-scale workspaces would potentially help to aid the revitalisation of centres by attracting a greater range of occupiers and users, as well as boosting footfall. They could also have a role to play in establishing 20-minute neighbourhoods and tackling vacancy.
- 3.21. For this reason, we are considering the case for providing greater flexibility to change the use of existing buildings to offices/workspaces. As noted in paragraph 3.15, we are not minded to include class 4 in a merged use class if such a measure were to be taken forward. This is partly because it could lead to the loss of offices and other workspaces falling within class 4. However, an alternative approach could be to support provision of workspaces through a new PDR granting planning permission for a change of use to class 4 (but not the other way round).
- 3.22. We are therefore considering the introduction of a new PDR for certain buildings (e.g. those within Class 1, 2 and 3 - or within a merged class if that were introduced) to change to Class 4. We are conscious that a blanket PDR could have the unintended consequence of undermining established office locations where authorities are keen to promote and retain such uses. For that reason, if a PDR providing for a change of use to class 4 were taken forward we envisage this would be subject to a maximum floorspace limit (e.g. 300 square metres).
- 3.23. We would welcome views on the merits of such a PDR, what existing uses it should apply to, whether 300 square metres would be an appropriate

maximum floorspace threshold and what (if any) additional conditions such a PDR should be subject to.

Q23. Do you think that a PDR providing for a change of use to Class 4 (business) would help to support the regeneration, resilience and recovery of centres – as well as the establishment of 20-minute neighbourhoods? Please explain your answer.

Q24. If a PDR of this nature were taken forward, what existing uses should it apply to? Please explain your answer.

Q25. Would 300 square metres be an appropriate maximum floorspace limit? Please explain your answer.

Q26. What (if any) additional conditions or limitations should such a PDR be subject to? Please explain your answer.

PDR for moveable outdoor furniture

- 3.24. The requirement for greater physical distancing during the pandemic saw many cafés, restaurants and other businesses make use of outside areas in order to accommodate customers in a way that complied with public health advice.
- 3.25. In some instances this has involved placing moveable structures (e.g. tables, chairs, umbrellas, heaters and other furniture) on pavements. Unless the planning authority is of the view that such use of the land and structures do not constitute development for planning purposes, planning permission would be required¹². Where structures are placed on a public road (including the pavement – see paragraph 2.34), consent from the relevant roads authority would also need to be sought under section 59 of the Roads (Scotland) Act 1984. Licensing controls may also apply.
- 3.26. As well as enabling businesses to operate safely during the pandemic, the use of outdoor spaces can help make places more vibrant and welcoming. The last two years have also shown that there is an appetite for outdoor socialising, eating and drinking in a Scottish climate. It should be noted that in response to the pandemic, the Welsh Government introduced temporary PDR for outdoor serving provision (subject to conditions). Rather than introduce specific PDR, the Scottish Government instead issued [guidance](#) which encouraged planning authorities to relax planning control and take a pragmatic approach to enforcement action. This guidance is expected to be withdrawn at the end of September 2022.

¹² Note that class 15 of the GPDO grants planning permission for temporary use of land and the erection or placing of moveable structures for the purpose of that use for up to 28 days in a calendar year.

- 3.27. We are keen to learn relevant lessons from the pandemic and therefore propose to introduce a new PDR that would permit the placing of moveable furniture on a public road adjacent to food and drink premises (Class 3).
- 3.28. We recognise that structures placed on pavements can create obstructions, which might affect certain groups disproportionately. For example, disabled people and older people. This is highlighted in Transport Scotland's Research Report Inclusive [Design in Town Centres and Busy Street Areas](#), as well as in the draft Equality Impact Assessment at Annex C. As noted above, placing furniture on a road (the definition of which includes the pavement) requires consent under the Roads (Scotland) Act 1984. This would continue to be the case even if planning permission were granted through a PDR. As such, we consider that matters such as safety and inclusive access can be addressed even if planning permission is granted through a PDR.
- 3.29. We also recognise that there could be amenity impacts on neighbouring uses: for example as a result of noise. As above, we would welcome views on whether such issues can be adequately controlled through other regimes and/or conditions or limitations on any new PDR.

Q27. Do you agree with the proposed introduction of a PDR for moveable furniture placed on the road outside of (Class 3) food and drink premises?

Q28. Are there any conditions or limitations that you think such a PDR should be subject to? Please explain your answer.

Q29. Are there any uses other than (Class 3) food and drink premises which you consider such a PDR should apply to? Please explain your answer.

Q30. Do you agree that important matters such as safety and inclusive access could continue be controlled through other regimes that would continue to apply? Please explain your answer.

PDR for provision of residential accommodation

- 3.30. The Town Centre Review Group highlighted the role that town centre living can potentially play in helping our centres to thrive. The footfall associated with a resident population can, amongst other things, help to underpin the viability of shops, services and other facilities located within centres. Draft NPF4 (see draft policy 27) encourages and supports town centre living, making clear that proposals for new residential development in city/town centres should be supported.
- 3.31. Accordingly, we have given consideration to whether PDR could complement this emerging planning policy position. We are aware that in recent years, the UK Government has introduced PDR for the conversion of various types

of building (e.g. offices) to residential use. More recently, it has introduced a PDR enabling buildings falling within the newly created Class E (see paragraph 3.11) to be converted to residential units.

- 3.32. Several research reports¹³ have highlighted concerns about the quality of properties developed under PDR, particularly where offices are converted to residential accommodation. Another key issue is that developer contributions cannot generally be sought where development is authorised under PDR. This loss of contributions associated with residential conversions may result in increased pressure on local services. If such services need to be upgraded as a result, the cost of doing so would be borne by the taxpayer.
- 3.33. For these reasons we are not minded to introduce new PDR providing for the conversion of shops, offices and other 'town centre' uses to residential units. This does not mean that the Scottish Government does not support a growth in town centre living. Rather, our view is that such development should be plan-led, with proposals assessed through the planning application process. This is the approach advocated in Draft NPF4.

Q31. Do you agree that new residential development in Scotland's centres should be plan-led rather than consented through new PDR? Please explain your answer.

Q32. Are there any other PDR changes which you think could support the regeneration, resilience and recovery of centres? Please explain your answer.

¹³ For example:

- [Quality standard of homes delivered through change of use permitted development rights - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Impact of extending development rights to office-to-residential change \(rics.org\)](https://www.rics.org)

Table 1: Current Use Classes Order and Applicable PDR

Use Class	Uses Covered	PDR (to change to)
1 – Shops	Sale of goods other than hot food; post office; ticket sales; hairdressing; travel agency; funeral directors; hiring of domestic or personal goods	None
2 – Financial, professional, and other services	Financial, professional and any other services which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public (e.g. banks, building societies, estate agents, dentists, doctors)	Class 1
3 – Food and drink	Food and drink for consumption on the premises (e.g. cafes, restaurants). Does not include hot food takeaway	Classes 1 and 2
4 - Business	Office (other than a Class 2); research & development or industrial process which can be carried on in residential area without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.	Class 6 (up to 235 sq m)
5 – General Industrial	Industrial process other than a Class 4 use.	Class 6 (up to 235 sq m) or Class 4.
6 – Storage and Distribution	Storage or distribution centre.	Class 4.
7 – Hotels and Hostels	Hotel, boarding house, guest house, or hostel (no significant element of care)	None
8 – Residential Institutions	Residential accommodation and care; hospital or nursing home; residential school, college or training centre.	None
8A – Secure residential institutions	Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre.	None
9 – Houses	House (other than a flat) by a single person or by people living together as a family; bed & breakfast	None
10 – Non-residential institutions	Crèche, day nursery or day centre; education; display of works of art; museum; public library; a public hall or exhibition hall; place of worship	None
11 – Assembly and leisure	Cinema; concert hall; bingo hall; casino; dance hall or discotheque; swimming baths, skating rink or gymnasium.	None
Sui generis	Uses not included the classes above, including: public house; theatre; amusement arcade or funfair; the sale of fuel for motor vehicles; the sale or display for sale of motor vehicles; taxi or vehicle hire; flats and student accommodation; hot food takeaways; motor vehicle recreation or firearm sport.	The sale or display for sale of motor vehicles (up to 235 sq metres) to Class 1; Hot food takeaway / betting office/ pay day loan shop to Class 1 or to Class 2.

4. Port Development

- 4.1. Although not forming part of the original PDR work programme, the Scottish Government committed, in March 2021, to consider whether port operators' current PDR are fit for purpose, and whether amending them could support the Scottish and UK Government's objectives for Green Freeports. [A bidding prospectus for Green Freeports in Scotland](#) was published in March 2022.
- 4.2. The March 2021 commitment followed the UKG [consulting on](#) and subsequently amending¹⁴ the PDR that apply to port operators in England so that they are more closely aligned with those of airport operators. These changes apply to all ports in England; not just those designated as Freeports.
- 4.3. Prior to these amendments, the PDR for both seaports and airports in England were effectively the same as those in Scotland. In Scotland, the relevant provisions are contained in Class 35 and Class 44 of Schedule 1 to the GPDO, respectively (reproduced in Box 3 and 4 at the end of this Chapter). See also the general conditions and limitations on PDR that apply on these and other classes of PDR mentioned in paragraph 1.16 in the Introduction to this consultation paper.
- 4.4. Box 5 at the end of this Chapter sets out the specific changes made to port operator PDR in England. In summary, the amendments provide for:
- Development in connection with the provision of services and facilities to be carried out under PDR – unless it involves:
 - the erection of a building other than an operational building; or
 - the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.
 - Development to be carried out by the port operator's "agent of development"
 - A requirement for the developer to "consult" with the planning authority prior to carrying out development (unless it is of a specified description).
- 4.5. The UK Government consultation indicated that this alignment would enable a wider range of development and operational activities to take place under PDR. However, it is unclear what these additional types of development are – in other words, what type of development can be carried out at English ports under PDR that could not prior to the amendment.
- 4.6. We are keen to ensure that, with respect to PDR, there is a level playing field between Scottish and English ports. On that basis, we are minded to take

¹⁴ See article 10 of the Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021

forward similar measures to those that have been introduced by the UK Government in England.

- 4.7. Any new PDR would apply to all ports within the Class 35 definition and not just to prospective Green Freeports. However, before committing to making equivalent changes we would welcome views on what the practical effect of aligning port and airport would be. We are also interested to hear views on what – if any – wider changes could be made to Class 35 PDR to support Scotland’s ports.

Q33. Do you agree that, with respect to the PDR, there should be a level playing field between English and Scottish ports? Please explain your answer.

Q34. With respect to the amendments in England (see Box 5), what do you think the practical effect of making an equivalent change to Class 35 PDR would be – in terms of developments/activities that would be permitted which are not currently? Please explain your answer.

Q35. Do you think there is potential to widen the scope of Class 35 PDR further? Please explain your answer.

- 4.8. As discussed at paragraph 1.14, once the relevant powers are implemented Masterplan Consent Areas (MCAs) will provide planning authorities with a new tool to proactively promote growth and development in specific locations. Because a MCA would be tailored to the particular circumstances of individual areas, they may be capable of providing much more extensive planning freedoms than is appropriate through a national PDR. As such, MCA could play a valuable role in supporting future development at Scotland’s ports, including those which may be designated as Green Freeports.

Q36. Do you agree that MCA could be a useful tool to provide more extensive planning freedoms and flexibilities in Scotland’s ports? Please explain your answer

Box 3: Current PDR for port operators in Scotland (Class 35)

Dock, pier, harbour, water transport, canal or inland navigation undertakings

Class 35.—(1) Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—

(a) for the purposes of shipping; or

(b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.

(2) Development is not permitted by this class if it consists of or includes—

(a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic;

(b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—

(i) a building used for educational purposes; or

(ii) a car park, shop, restaurant, garage or petrol filling station.

(3) For the purposes of this class references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected and the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964.

Box 4: Current PDR for airport operators in Scotland (Class 44)

Class 44.— Development at an airport

(1) The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.

(2) Development is not permitted by this class if it would consist of or include-

- (a) the construction or extension of a runway;
- (b) the erection of a building other than an operational building;
- (c) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

(3) Development is permitted by this class subject to the condition that the relevant airport operator shall consult the planning authority before carrying out any development, unless that development falls within the description in sub-paragraph (4).

(4) Development falls within this sub-paragraph if-

- (a) it is urgently required for the efficient running of the airport; and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity

N.B. “operational building” is defined for the purposes of this provision as meaning a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport

Box 5: Amendment to Port PDR in England made by SI 2021/428 (underlined text denotes the amendments)

B. Permitted Development

Development on operational land by statutory undertakers or their lessees or agents of development (including the erection or alteration of an operational building) in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—

(a) for the purposes of shipping, ~~or~~

(b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking, or

(c) in connection with the provision of services and facilities.

Development not permitted

Development is not permitted by Class B if it consists of or includes—

(a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic; or

(b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—

(i) an educational building, ~~or~~

(ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation, or

(c) where the development falls within paragraph B(c)—

(i) the erection of a building other than an operational building; or

(ii) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

B.1A.—(1) Development is permitted by Class B subject to the condition that the relevant statutory undertaker consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph B.3.

Interpretation of Class B

For the purposes of Class B—

(a) references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and

(b) the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc., of harbours), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945 .

Development falls within this paragraph if—

(a) it is urgently required for the efficient running of the dock, pier, harbour, water transport, canal or inland navigation undertaking, and

(b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

5. Assessment of Impacts

Sustainability Appraisal Update

- 5.1. The Scottish Government set out its Proposed Work Programme for reviewing and extending permitted development rights (PDR) (referred to as “the proposed programme”) in November 2019. The proposed programme was the first step in an iterative and ongoing policy process which has been, and will continue to be, informed by a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) requirements¹⁵. The SA was undertaken by independent consultants LUC commissioned by the Scottish Government.
- 5.2. An SA Report setting out the potential environmental, social and economic effects arising from the proposed PDR review programme was [consulted on from 5 November 2019 until 28 January 2020](#). The 2019 SA report considered broad options for changes to PDR across a range of development types.
- 5.3. A Draft SEA Post Adoption Statement was also published alongside the Phase 1 consultation in October 2020; it set out how the views gathered on the environmental, social and economic considerations incorporated within the Sustainability Appraisal were taken into account in finalising the PDR work programme and in progressing the Phase 1 proposals.
- 5.4. The Draft SEA Post Adoption Statement is a live document; it will continue to be updated as future work on the remaining phases of the PDR programme is progressed. We will also give consideration to whether any further appraisal or assessment is required at each step of the iterative policy process. Accordingly, the Phase 2 consultation is accompanied by an updated [Draft Strategic Environmental Assessment \(SEA\) Post Adoption Statement](#).
- 5.5. Furthermore, we have also undertaken some additional appraisal of the Phase 2 proposals (see **Annex A**). This includes the consideration of those proposals that were not considered as part of the original Sustainability Appraisal (e.g. port development).

Q37. What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report at Annex A?

(Respondents are asked to avoid restating their views on the November 2019 and Phase 1 consultations, as these views have already been taken into account.)

¹⁵ The Sustainability Appraisal incorporates SEA requirements under the Environmental Assessment (Scotland) Act 2005

Other Assessments

- 5.6. In addition to Strategic Environmental Assessment we have undertaken a number of other assessments of our draft proposals (or screened proposals to see whether an assessment is required). Our initial and draft assessments are set out in annexes A-F and we would welcome feedback on these as part of the consultation. The draft assessments and screening assessments undertaken include:
- A partial Business and Regulatory Impact Assessment (BRIA) that considers the costs and benefits, particularly with regard to business, of the proposed changes (see **Annex B**);
 - A draft Equality Impact Assessment (EqIA) that considers the impact of the draft proposals on various equalities groups defined by protected characteristics such as age, sex, religious or other belief, race or sexual orientation (see **Annex C**);
 - A draft Children’s Rights and Wellbeing Impact Assessment (CRWIA) that considers the impact of the proposed changes on children. Our initial conclusion following a screening of proposals is that a full assessment is not required (see **Annex D**);
 - A draft Island Communities Impact Assessment (ICIA) that considers the impact of proposed changes on Scotland’s islands. (see **Annex E**); and
 - A Fairer Scotland Duty Assessment that considers how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. Our initial conclusion following a screening of proposals is that a full assessment is not required (see **Annex F**)
- 5.7. A Data Protection Impact Assessment (DPIA) was not considered relevant to these proposals because none pose any risk to privacy or data protection.
- 5.8. We invite views on these draft and partial impact assessments as part of this consultation. In particular:

Q38. Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 2 proposals?

Q39. 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. Responding to this Consultation

- 6.1. We are inviting responses to the consultation by 3 August 2022.
- 6.2. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space by accessing and responding to this consultation online at : <https://consult.gov.scot/planning-architecture/permitted-development-rights-review/>. You can save and return to your responses while the consultation is still open.
- 6.3. If you are unable to respond using our consultation hub, please send your response, together with the Respondent Information Form (see **Annex G**), to: Planning.PDR2@gov.scot.

or

Development Management Team (PDR Review)
Planning and Architecture Division
Scottish Government
Area 2F South
Victoria Quay
Edinburgh EH6 6QQ

Handling your response

- 6.4. If you respond using the consultation hub, you will be directed to the “About You” page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.
- 6.5. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps

- 6.6. Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be published at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. An analysis report will also be made available.
- 6.7. Responses to the consultation will help inform the refinement of proposals and the drafting of regulations that would bring any PDR or UCO changes flowing from this consultation into force. We anticipate that such regulations would be laid in the Scottish Parliament later in Autumn 2022.

Scottish Government consultation process

- 6.8. Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.
- 6.9. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.
- 6.10. Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:
- indicate the need for policy development or review
 - inform the development of a particular policy
 - help decisions to be made between alternative policy proposals
 - be used to finalise legislation before it is implemented
- 6.11. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Annex A: Sustainability Appraisal Update

1.0 Introduction

- 1.1.1 The Scottish Government commissioned independent consultants LUC to undertake a Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment¹⁶ to inform its proposed programme for reviewing and extending permitted development rights (PDR) in Scotland. The resulting Sustainability Appraisal Report¹⁷ (the ‘2019 SA’) was consulted on alongside a draft work programme from 5 November 2019 – 28 January 2020¹⁸.
- 1.1.2 The 2019 SA Report set out the potential for significant environmental, social and economic effects (both positive and negative) arising from options for changes to 16 development types. A Non-Technical Summary¹⁹ of the 2019 SA is available on the Scottish Government’s web pages. The SA findings were used to inform the Scottish Government’s iterative work programme for extending PDR. Further information on this and on the responses received to the 2019 consultation is set out in the draft Post Adoption Statement²⁰.

¹⁶ Under the [Environmental Assessment \(Scotland\) Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

¹⁷ [The Scottish Government’s Programme for Extending Permitted Development Rights in Scotland: A Sustainability Appraisal \(www.gov.scot\)](https://www.gov.scot)

¹⁸ [Proposed programme for reviewing and extending permitted development rights \(PDR\) in Scotland - Scottish Government - Citizen Space \(consult.gov.scot\)](https://www.gov.scot)

¹⁹ [Sustainability Appraisal summary.pdf \(consult.gov.scot\)](https://www.gov.scot)

²⁰ [Permitted development rights - extension and review: strategic environmental assessment - draft post adoption statement - gov.scot \(www.gov.scot\)](https://www.gov.scot)

2.0 Purpose of this Document

2.1.1 This Update to the 2019 SA is specifically relates to the proposals for phase 2 of the work programme. Building on the findings of the 2019 SA, this document sets out the findings of the further, iterative appraisal of the emerging phase 2 proposals for town centres²¹, and for electric vehicle (EV) charging infrastructure. It also assesses for the first time new proposals on PDR for port developments.

2.1.2 The Phase 2 proposals relate to:

- EV charging infrastructure;
- Changes of use and other development in centres;
- Port development.

2.2 How was this Update to the SA undertaken?

2.2.1 As a starting point, comments received on the 2019 SA on town centres and on EV charging infrastructure were reviewed to identify any issues requiring further consideration. The consultation draft Phase 2 proposals on town centres and EV charging infrastructure, published alongside this Update, were then considered for any potential significant environmental, social and economic effects beyond those already identified in the 2019 SA, and to identify any new proposals not previously assessed or requiring more detailed assessment.

2.2.2 We have also given consideration to wider policy and contextual changes, including the recently published Draft National Planning Framework (NPF4).²² The Draft NPF4 puts climate and nature, along with a wellbeing economy and Covid recovery at the heart of the planning system. The document also contains several draft policies intended to support the resilience and recovery of Scotland's centres. NPF4 was published in draft by the Scottish Government in November 2021 for a period of public consultation which ran until 31 March 2022.

2.2.3 The [New report on the future of public EV charging infrastructure | Transport Scotland](#) and [A Network fit for the Future: Draft Vision for Scotland's Public Electric Vehicle Charging Network | Transport Scotland](#) have also been published and discuss the need and objectives for public EV charging infrastructure. This is in the context of our climate change targets and the anticipated growth in electric vehicle ownership.

²¹Although previous assessments referred to "town centre" changes of use, this was not intended to denote that any changes would not apply in other types of centre – such as local or city centres. Indeed, any regulations stemming from the Phase 2 consultation would apply Scotland-wide. This is acknowledged in the consultation document, and hence the term "centres" is generally used to refer to all types of centre, including city, town and local centres. References to centre and town centre in this SA Update should be read in this context.

²²[Supporting documents - Scotland 2045 - fourth National Planning Framework - draft: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/scotland-2045-fourth-national-planning-framework-draft-consultation)

- 2.2.4 [A New Future for Scotland's Town Centres](#) was published in 2021 and presents the findings of the independent Town Centre Review Group tasked with reviewing the 2013 Town Centre Action Plan and to consider how we can make towns and town centres greener, healthier and more equitable and inclusive places. [At the Heart of Economic Transformation: Report of the City Centre Recovery Task Force](#) was published in March 2022; it identifies priorities to support cities' recovery from the pandemic.
- 2.2.5 Consideration was also given to the [Green Freeports in Scotland: bidding prospectus](#). Published in 2022, this sets out Scottish and UK governments' expectations for Green Freeports.
- 2.2.6 Where no new or updated appraisal findings are set out in this update, it is considered that the 2019 SA findings remain current.

2.3 What new proposals are set out in the Phase 2 consultation?

- 2.3.1 The Phase 2 consultation includes proposals for changes to PDR for ports development which was not one of the 16 development types previously considered by the 2019 SA. Consideration has therefore been given to the potential for any likely significant effects arising, the findings of which are set out in Section 3.

2.4 What comments were received on the 2019 Sustainability Appraisal?

- 2.4.1 An analysis of the responses received to the 2019 SA Report is available online²³, with thematic summaries in the draft Post Adoption Statement published October 2020 (and refreshed alongside this Update).

2.5 Which Reasonable Alternatives were considered?

- 2.5.1 The 2005 Act requires the Environmental Report to identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives to a plan, programme, or strategy taking into account its objectives and geographical scope. The 2019 SA considered 16 broad categories of development for possible changes to PDR. Options for each development type were then developed through an iterative process in discussion with Scottish Environment Protection Agency (SEPA), NatureScot, and Historic Environment Scotland (HES) (the SEA consultation authorities), and a Virtual Review Group²⁴. With the exception of town centre changes of use, for each development type the options typically appraised were:

²³ [Reviewing and extending permitted development rights: consultation analysis - gov.scot \(www.gov.scot\)](#)

²⁴ To inform the 2019 Sustainability Appraisal, the Scottish Government established a Virtual Review Group comprised of key stakeholders to engage with the appraisal at key stages. The VRG included contacts from industry; the SEA consultation authorities (SEPA, NatureScot and HES); planning authority representatives; representatives from the Scottish Government policy leads for the sectors involved; and, from bodies with interests in the built, historic and natural environments.

- no change to current PDR (where existing PDR);
- alteration of current PDR for a development type in relation to current restrictions in designated areas, and/or thresholds relevant to the scale/size of development; and
- creating new PDR for a development type in designated areas, non-designated areas, and/or introducing size/scale restrictions of receptors.

2.5.2 An alternative approach was applied to the 13 options identified for town centre changes of use. The 2019 SA instead focused on the sustainability effects of changes that would result from the addition or loss of 13 uses typically found in town centres, as a means of more clearly drawing out the likely significant impacts which could arise.

2.5.3 Any new or additional alternatives identified as part of this SA Update are considered further below and in Appendix A.

2.6 Mitigation

2.6.1 Mitigation proposed in the 2019 SA for the relevant development types was considered in the context of the draft Phase 2 proposals, with any additional mitigation identified where relevant. In line with the approach previously taken, potential mitigation includes:

- Defining conditions or restrictions on the extension of particular PDR, for example in terms of numbers, dimensions (e.g. height or area of development) and locations of development types likely to give rise to adverse effects.
- Redefining distance thresholds for particular PDR by establishing minimum distances beyond which effects from particular development types are unlikely to be significant.
- Retaining or requiring prior notification/prior approval.
- Promoting guidance and best practice to ensure that development which is implemented under PDR achieves high standards of design and implementation.

3.0 Updated Appraisal Findings

3.1 Electric Vehicle Charging Infrastructure

Current PDR for EV Charging

3.1.1 As described within the consultation document, two classes of PDR (classes 9E and 9F of the GPDO²⁵) address the installation, alteration or replacement of electric vehicle charging points in off-street parking areas. Class 9E relates to wall mounted EV charging points and Class 9F relates to EV charging point upstands. Additionally, local authorities have more general PDR under class 30 of the GPDO for relevant development required in connection with the operation of any public service administered by them. These PDR are not subject to the conditions and limitations that are specific to Classes 9E and 9F (e.g. they are not limited to off-street parking areas or restricted in particular locations such as National Parks), but are subject to general conditions and restrictions.

Proposed Changes to PDR for EV Charging

3.1.2 Phase 2 proposals on PDR for EV charging infrastructure include:

- Changes to PDR for wall mounted EV charging points on buildings in an area legally used for off-street parking (Class 9E) to:
 - Remove restriction of these PDR in certain designated areas specified in Class 9E(3)²⁶
 - Remove existing restrictions on adverts and signage on nameplates in order to simplify the legislation.
- Changes to PDR for off-street charging upstands in an area lawfully used for off-street parking (Class 9F) to:
 - Remove restriction of these PDR in certain designated areas specified in Class 9F(3)
 - Remove existing restrictions on nameplates
 - Extend the height restriction on EV charging upstands in Class 9F from 1.6 metres to 2.5 metres (except within the curtilage of a dwelling)
- Extend PDR to allow the development of solar canopies, battery storage and equipment housing associated with upstands in off-street parking areas. This would not apply in certain specified areas including sites of archaeological interest, national scenic areas, historic gardens

²⁵ [The Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2014/0000/20140001/1-10)

²⁶ Class 9E(3) and 9F(3) sets out that Development is not permitted by this class in the case of land within (a) a site of archaeological interest; (b) a national scenic area; (c) a historic garden or designed landscape; (d) a historic battlefield; (e) a conservation area; (f) a National Park; or (g) a World Heritage Site.

or designed landscape, historic battlefields, conservation areas, National Parks, World Heritage Sites, and the curtilage of a dwelling.

- On-street/kerbside charging:
 - No specific proposals; the consultation seeks views on the issues to be considered if any PDR for on-street charging infrastructure were taken forward (what it would permit, who it would apply to, where it would apply and how it would relate to other controls/regulatory regimes).
- Local authority PDR
 - Noting the anticipated increase in private sector involvement in financing, delivering and maintaining EV charging apparatus, the Phase 2 consultation asks whether Class 30 PDR (see above) should be amended to reflect emerging funding and operating arrangements between authorities and third parties.
- Changes to existing petrol stations:
 - New PDR for change of use of petrol filling station to charging forecourt, and replacement of associated structures and facilities.

2019 SA Findings

3.1.3 The 2019 SA considered modification to the existing classes of PDR for EV charging, with Section 18 of the 2019 SA Report setting out the assessment findings in full. Key findings included:

- Potential for long term minor positive effects on climatic factors and air quality where an uptake of electric vehicles occurs through facilitating an increase in the number of charging points and faster/ more powerful charging points.
- Wider deployment of electric vehicles have potential to give rise to significant positive effects on the objective of supporting measures to reduce carbon emissions.
- Minor positive effects on the economy likely where PDR helps to support a transition to a low carbon economy by facilitating a take up of electric vehicles, as well as encouraging electric vehicle purchases, thereby supporting and enhancing opportunities for sustainable economic growth.
- Minor positive effects regarding health, and quality of life and living environment may arise where proposals support electric vehicle usage which results in less air and noise pollution.
- Potential significant negative effects on cultural heritage due to possible impacts on nationally significant assets, although effects are reversible;
- Potential long term significant positive effects on climate change and air quality from indirect support for reducing vehicle emissions.

3.1.4 The 2019 SA also found that extending PDR to allow upstands with electrical outlets and wall mounted electric vehicle charging points within 2 metres of a road or to increase the volume in all areas may result in potential significant negative effects due to the potential for the charging points to adversely impact the appearance, structure and setting of designated and undesignated assets. This is based on the worst case scenario of a significant number of charging points to be installed in any one location – fewer, more isolated charging points would result in a less significant effect.

3.1.5 The 2019 SA noted potentially significant negative impacts on cultural heritage would be avoided by limiting any increase in PDR to locations where PDR currently apply. Under this scenario, effects were likely to remain similar to those from existing PDR, by avoiding adverse effects on designated and undesignated heritage assets and their settings.

Comments Received on the 2019 SA Report

3.1.6 Information on the responses received to the 2019 SA Report is set out in the September 2020 Analysis of Responses²⁷ and in the draft Post Adoption Statement published alongside this Update. Specific points raised in relation to information in the SA concerning PDR for electric vehicle charging infrastructure are summarised below:

- A private sector respondent suggested that the baselines could do more to recognise scope for solar energy to contribute to reduction in emissions when deployed alongside EV charging infrastructure.
- A private sector respondent suggested that the SA over-states the potential negative impacts of EV charging infrastructure on cultural heritage, and does not provide sufficient justification for the proposed restriction on EV charging points within 2m of a road.
- A private sector respondent suggested that the SA overstates the negative environmental effects of EV charging points for non-listed buildings designated areas. It was also suggested that positive environmental impacts associated with EV charging infrastructure is not adequately captured by the SA.
- A public sector respondent suggested that mitigation proposals would not address effects on the setting of listed buildings.

Updated Appraisal Findings

3.1.7 The 2019 SA identified that options for changes to PDR that lead to increased uptake of EV vehicles are likely to give rise to significant positive effects on climate change and air quality through supporting the transition from fossil fuel powered transport to electric vehicles with reductions in associated emissions. Increased electric vehicle use was

²⁷ [Research Project: Analysis of responses to a consultation on reviewing and extending permitted development rights \(PDR\) \(www.gov.scot\)](https://www.gov.scot/research/projects/analysis-of-responses-to-a-consultation-on-reviewing-and-extending-permitted-development-rights-pdr)

also considered likely to have positive effects on human health and quality of life through reduction in noise and air pollution. We consider that these findings remain valid for the current phase 2 proposals.

- 3.1.8 The 2019 SA concluded that options for changes to existing PDR that relate to their size and location, including in off-street parking areas and within 2m of a road, have potential for significant negative effects on cultural heritage assets and their settings. It was however noted that any adverse effects would be avoided by limiting any increase in PDR to locations where PDR currently apply (i.e. as specified in Class 9F(3) and Class 9E(3)). While the Phase 2 proposals would include the removal of restriction in these areas, any changes would continue to be limited to existing off-street parking areas, therefore localising and minimising any adverse effects on cultural heritage. Views are however invited on this point through the consultation paper.

Canopies charging stations (solar) and battery storage

- 3.1.9 Views are invited on new Phase 2 proposals to extend PDR to allow the development of solar canopies and related battery storage and equipment housing for EV charging upstands in off-street parking areas. In addition to the Updated Appraisal findings on climate change, air quality and human health noted in para 3.1.7 above, there is potential for negative effects on the setting of heritage, landscape and cultural assets. These effects are considered to be localised due to the PDR applying only to existing off street car parking areas, excluding sites of archaeological interest, national scenic areas, historic gardens or designed landscapes, historic battlefields, conservation areas, National Parks, World Heritage Sites, and the curtilage of a dwelling. No new or additional effects have been identified in relation to biodiversity, water or soils. More detailed assessment is included in appendix A.

Reasonable alternatives

- 3.1.10 For completeness, appendix A appraises the following options:
- no change to current PDR;
 - Extending PDR for solar canopies and associated infrastructure in off-street parking areas including those within specified designated areas; and
 - Extending PDR for solar canopies and associated infrastructure in off-street parking areas outwith specified designated areas.

On-street/kerbside charging

- 3.1.11 In addition to the Updated Appraisal and 2019 SA findings on climate change, air quality and human health noted in para 3.1.7 above, extending PDR to include on-street EV charging infrastructure has potential to create negative effects on the setting of historic, cultural and landscape assets. Insensitively sited EV charging infrastructure can also be an obstruction to people with mobility impairments and people with

visual impairments. It is noted that other regimes, including the requirement to obtain consent from the relevant roads authority, would continue to apply. More detailed consideration is set out in Appendix A.

Reasonable alternatives

3.1.12 For completeness, appendix A appraises the following options in relation to on-street / kerbside charging:

- no change to current PDR;
- Extending PDR for on-street EV charging infrastructure in all areas; and
- Extending PDR for on-street EV charging infrastructure in all areas outwith specified designated areas;

Changes to Existing Petrol Stations

3.1.13 In addition to the Updated Appraisal and 2019 SA findings on climate change, air quality and human health noted in para 3.1.7 above, extending PDR to include change of use of petrol filling stations to charging forecourts, and replacement of associated structures and facilities is considered likely to lead to new / additional minor positive effects on material assets and soils where the proposals lead to removal of petrol tanks and reduced areas of contamination. The phase 2 proposals set out to ensure the area of development will not increase, and replacement buildings are no higher than existing buildings. The Updated Appraisal supports this aspect of the proposals in order to minimise impacts to the settings of heritage, landscape and cultural assets. No new or additional effects have therefore been identified in relation to biodiversity, landscape or cultural heritage.

Local Authority PDR

3.1.14 The Phase 2 consultation asks whether Class 30 PDR should be amended to make clear they apply to “electric vehicle charging points and any associated infrastructure”, and to reflect emerging funding and operating arrangements between authorities and third parties. No new or additional impacts have been identified in this respect.

Mitigation

3.1.15 It is recommended that consideration is given to excluding the curtilage of listed buildings from changes to Class 9F, as regards additional PDR for canopies, battery storage and equipment housing, in order to protect cultural heritage assets. The consultation document notes proposals would not apply in sites of archaeological interest, national scenic areas, historic gardens or designed landscapes, historic battlefields, conservation areas, National Parks, World Heritage Sites, and the curtilage of a dwelling which this assessment supports.

- 3.1.16 Finally, if PDR for on-street/kerbside EV charging infrastructure are taken forward it is recommended that consideration is given to excluding sites of archaeological interest, National Scenic Areas, historic gardens or designed landscapes, historic battlefields, conservation areas, National Parks, World Heritage Sites, and the curtilage of a listed building.

3.2 Changes of Use in Centres

- 3.2.1 The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) groups together various land uses with broadly similar planning impacts into separate “use classes”. Legislation²⁸ provides that a change of use within a use class does not constitute development for planning purposes, and so planning permission is not required.
- 3.2.2 Both PDR and the UCO have the effect of allowing certain works or changes of use to take place without the need to seek planning permission from the planning authority. The key difference is that the UCO takes specified changes of use out of the scope of planning control by providing that they do not involve development. PDR, on the other hand, grant permission for specified forms of development (including certain changes of use) and can therefore be tailored through conditions and limitations to the PDR.
- 3.2.3 The Phase 2 consultation seeks views on establishing a new class which brings together a variety of uses commonly found in (or associated with) centres but which currently sit in separate use classes. The effect of doing so would be that any changes of use within this broader, merged use class would not involve development and hence not require planning permission. This would potentially help centres become more agile and responsive, with the potential to promote diverse and mixed uses.
- 3.2.4 The 2019 SA focused on the sustainability effects of potential changes to PDR that would result in the addition or loss of thirteen typical “town centre” uses (as noted previously, these uses are not limited to town centres). These included:
- Shops
 - Financial, professional and other services
 - Food and drink (including pubs)
 - Business
 - General industrial
 - Storage or distribution
 - Hotels and hostels
 - Residential institutions
 - Residential – houses and flats
 - Non-residential institutions
 - Assembly and leisure (Including theatres)
 - Betting shops and pay day lending
 - Hot food takeaways

²⁸ See section 26(2)(f) of the Town and Country Planning (Scotland) Act 1997.

2019 SA findings

- 3.2.5 The 2019 SA identified significant positive economic effects in relation to changes that allow town centres to respond to evolving eating, shopping and working patterns. Significant positive cumulative effects were also noted in relation to climatic factors, where changes reduced the need to travel, and for population and human health through providing local services and facilities in an accessible location. The 2019 SA identified the potential for negative effects, including ‘bad neighbour’ effects and poor diet, where changes led to an increased number of take-away restaurants. Mixed significant effects were noted on cultural heritage reflecting the positive role of keeping historic buildings in use, but the potential impacts from physical changes to buildings.

Comments Received on the SA Report

- 3.2.6 Some planning authorities suggested that extending PDR for town centres may have negative impacts on residential amenity associated with noise, air quality, etc. It was also suggested that the SA should consider potential effects on human health as a result of changing vulnerability to flooding associated with change of use. Additionally a public sector respondent noted that mitigation measures have not been identified in relation to effects as a result of town centres change of use²⁹.

Proposed changes

- 3.2.7 The consultation paper sets out potential changes to both the Use Classes Order³⁰ and to PDR:
- Amendments to the Use Classes Order
 - Merge classes 1 (shops), 2 (financial, professional, service) and 3 (food and drink), potentially including certain uses in class 10 (non-residential institutions) and 11 (assembly and leisure).
 - PDR for provision of workspace
 - New PDR for change of use of certain buildings (e.g. those within Class 1-3) to Class 4 (business), subject to a maximum floorspace limit
 - PDR for moveable outdoor furniture
 - New PDR that would permit the placing of moveable furniture on a public road adjacent to food and drink premises (Class 3)
- 3.2.8 In addition, the consultation paper invites views on new PDR for provision of residential accommodation, though the Scottish Government is not

²⁹ [Reviewing and extending permitted development rights: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/reviewing-and-extending-permitted-development-rights-consultation-analysis)

³⁰ The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) groups together various land uses with broadly similar planning impacts into separate “use classes”. Legislation provides that a change of use within a use class does not constitute development for planning purposes, and so planning permission is not required.

currently minded to progress such changes. Nevertheless, this option is considered here for completeness.

- New PDR for conversion of shops, offices and other “town centre” uses to residential use.

Updated Appraisal Findings

3.2.9 In addition to the 2019 SA findings in para 3.2.5 above, further consideration of the phase 2 proposals is set out below:

Merged Use Class

3.2.10 The creation of a new merged Use Class could result in the loss or gain of those uses included within the new class – including those which were assessed in the 2019 SA (see paragraph 3.2.4). Any change of use falling within such a class would not constitute development requiring planning permission. This includes changes to – but also changes from – those uses contained within a new class. Consequently it would not be possible to control or mitigate any associated impacts that may arise (e.g. noise, transport) through planning. However, other regimes would continue to apply, such as licensing, environmental health and building standards.

3.2.11 The extent to which the creation of such a Use Class would affect the quantity, type or rate of development coming forward is uncertain and will vary from place to place. Potential impacts of a merged class will be influenced by what uses are included in any merged class. The consultation document proposes an exclusion of ‘bad neighbour’ uses which may help to limit impacts such as noise. This Updated Appraisal supports this aspect of the proposals in order to minimise impacts on residential amenity. The consultation document also proposes to exclude class 4 from any merged Use Class due to potential loss of office space and potential to undermine town centre first policies, which may limit associated economic and social impacts were this to be included.

New PDR for provision of workspace

3.2.12 Proposals for a new PDR for conversion of certain buildings to Class 4 (business) may result in a gain of centre business. This is assessed within the 2019 SA, and we consider these findings remain valid with no new or additional effects identified.

New PDR for movable outdoor furniture

3.2.13 New PDR for outdoor furniture has potential to have negative effects on the setting of designated and undesignated cultural and historic assets if furniture is placed insensitively. Insensitively sited furniture can also be an obstruction to people with mobility impairments and people with visual impairments. It is noted that other regimes, including the requirement to obtain consent from the relevant roads authority, would continue to apply. Minor negative effects could result from increases in noise, late night disturbance and anti-social behaviour. Positive effects may arise where

street furniture contributes to the vibrancy of centres and increases sense of place, with potential knock-on effects for footfall and Centre viability, including additional trade for Centre businesses. More detailed consideration is set out in Appendix A.

Reasonable alternatives

3.2.14 For completeness, appendix A considers ‘do nothing’ / no change to PDR and ‘increased volume of outdoor furniture’.

- No change to PDR
- Change of PDR leading to increased volume of moveable outdoor furniture

PDR for provision of residential accommodation

3.2.15 A new PDR for conversion of shops, offices and other uses to residential use may result in a gain of flats and other residential accommodation in centres. This is assessed within the 2019 SA, and we consider these findings remain valid with no new or additional effects identified.

Mitigation

3.2.16 It is recommended that consideration is given to:

- Avoiding including ‘bad neighbour’ uses within any merged use class in order to minimise impacts on residential amenity.
- Requiring prior notification/prior approval within specified locations, including conservation areas, for movable outdoor furniture so that any potential impacts on amenity can be identified and avoided

3.3 Port Development

3.3.1 Although not forming part of the original PDR work programme, the Scottish Government separately committed to consider whether port operators' current PDR are fit-for-purpose, and whether amending them could support the Scottish and UK Government's objectives for Green Freeports. This commitment was contained in the draft prospectus³¹, which was prepared jointly with UK Government (UKG) and published in March 2021. On 25 March 2022 SG and UKG jointly published [A bidding prospectus for Scottish ports interested in being designated as Green Freeports](#).

Current PDR for Port Developments

3.3.2 In Scotland, port operator PDR are contained in Class 35 of Schedule 1 to the GPDO³².

3.3.3 The UK Government consulted on³³ and subsequently amended³⁴ the PDR that apply to port operators in England so that they are more closely aligned with those of airport operators. In Scotland, airport operator PDR are contained in Class 44 of Schedule 1 to the GPDO. These changes apply to all ports in England; not just those designated as Freeports.

3.3.4 In summary, the English amendments provide for:

- Development in connection with the provision of services and facilities to be carried out under PDR – unless it involves:
 - the erection of a building other than an operational building; or
 - the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.
- Development to be carried out by the port operator's "agent of development"
- The developer to "consult" with the planning authority prior to carrying out development (unless it is of a specified description).

3.3.5 Prior to these amendments, the PDR for both seaports and airports in England were effectively the same as those in Scotland.

³¹ [Green Ports Delivering Freeports for Scotland: Applicant Prospectus \(DRAFT\) - gov.scot \(www.gov.scot\)](#)

³² [The Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992 \(legislation.gov.uk\)](#).

³³ [Freeports consultation - GOV.UK \(www.gov.uk\)](#)

³⁴ [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(legislation.gov.uk\)](#)

Proposed Changes to PDR for Port Development

- 3.3.6 To ensure a level playing field between Scottish and English ports, it is proposed to take forward similar measure to those introduced by the UKG in England, as outlined above. Any new PDR would apply to all ports within the Class 35 definition and not just to prospective Green Freeports.

Appraisal Findings

- 3.3.7 The UK Government has suggested that the amendments would enable a wider range of development and operational activities to take place under PDR. However, as set out in the phase 2 proposals, it is unclear what these additional types of development are – in other words, what type of development could be carried out under the proposed new PDR that currently could not be undertaken under existing PDR. For this reason, no new or additional impacts have been identified on society or the environment. It is however acknowledged that, if this opportunity is not taken to align Scottish and English PDR for ports development, any potential benefits arising for example through increased certainty and clarity for developers may not be realised.

Appendix A: Sustainability Appraisal Matrices

PDR for charging upstands in off-street car parks

PDR for charging upstands in off-street car parks	No Change in PDR	Extend PDR to allow the development of solar canopies, battery storage and equipment housing associated with EV chargers in off-street parking areas: no restrictions in designated areas	Extend PDR to allow the development of solar canopies, battery storage and equipment housing associated with EV chargers in off-street parking areas outwith specified designated areas
Biodiversity, flora and fauna			
To avoid adverse effects on all habitats and species	No significant effects identified	No significant effects identified	No significant effects identified
To enhance biodiversity	No significant effects identified	No significant effects identified	No significant effects identified
Climatic factors			
To avoid increasing greenhouse gas emissions (GHG)	Minor positive effects expected due to facilitation of electric vehicle use through increasing the availability of charging points and fast/more powerful charging points, and avoiding increases in GHG.	Significant positive effects may arise where the changes in PDR facilitate an uptake in use of EV powered by renewable energy, and support the wider deployment of EV and charge points.	
To support actions which contribute to targets for reducing greenhouse gas emissions	Minor positive effects expected due to facilitation of electric vehicle use through increasing the availability of charging points and fast/more powerful charging points, and avoiding increases in GHG.	The proposed changes to PDR are likely to support actions which contribute to targets for reducing GHG emissions where an increase of EV charging utilises renewable energy. By supporting the wider deployment of electric vehicles these changes may have a significant positive effect.	
To support climate change adaptation	No significant effects identified	The use of renewable energy and battery storage may facilitate the creation of a more dispersed network of charging points, this network may be more resilient to climate change events which may disrupt power supply. By supporting the wider deployment of electric vehicles and use of renewable energy, these changes to PDR would make a significant positive effect.	
Air			
To avoid significant adverse effects on air	The existing PDR are likely to result in minor	The proposed changes to PDR would contribute to the increased availability of charging points,	

quality, particularly where air quality is a known issue through the designation of AQMA	positive effects on the avoidance of significant adverse effects on air quality where the PDR facilitates an increase in electric vehicles uptake. This may result in lower levels of air pollution from exhaust emissions, particularly at a local level, with associated benefits for human health and biodiversity. This could be of particular relevance where air quality issues currently exist such as AQMAs and to those most vulnerable to the impacts of atmospheric pollution.	supporting the use of electric vehicles, powered by renewable energy thereby reducing reliance on non-renewable energy and reducing associated air pollution. These changes would make a significant positive effect.	
To improve air quality	The existing PDR would have a positive effect on improving air quality as they encourage the uptake of electric vehicles which result in lower levels of air pollution compared with combustion engines. The effect is expected to be minor positive.	The proposed changes to PDR would contribute to the availability of charging points, supporting the use of electric vehicles and reducing air pollution. By supporting the wider deployment of electric vehicles and utilising renewable energy, these changes would make a significant positive effect.	
Water			
To improve the water environment and to avoid adverse effects on the quality and quantity of watercourses and waterbodies	No significant effects identified	No significant effects identified	No significant effects identified
To avoid and reduce flood risk	No significant effects identified	No significant effects identified	No significant effects identified
Soil			
To protect and avoid adverse effects on valuable soil resources, including carbon soils and best & most versatile agricultural land	No significant effects identified	No significant effects identified	No significant effects identified

To reduce vacant and derelict land/buildings and contaminated land and contaminated land	No significant effects identified	No significant effects identified	No significant effects identified
Cultural heritage			
To avoid adverse effects on designated and undesignated heritage assets and their settings	No significant effects identified	Extending PDR to allow development of canopies and battery storage in off-street car parks has potential to create negative effects on heritage assets and their settings.	Negative effects on heritage assets and their settings may be minimised by PDR applying only to off street car parking areas, and excluding parking areas located within sites of archaeological interest, historic gardens or designed landscapes, historic battlefields, conservation areas and World Heritage Sites.
To enhance, where appropriate, heritage assets and their settings and to improve the quality of the wider built environment	No significant effects identified	No significant effects identified	No significant effects identified.
Landscape and geodiversity			
To avoid adverse impacts on protected landscapes, wild land, geodiversity and all landscapes	No significant effects identified	Extending PDR to allow development of canopies and battery storage in off-street car parks has potential to create negative visual impacts.	Negative impacts on landscapes will be minimised by PDR applying only to off street car parking areas, and excluding parking areas within national scenic areas, historic gardens or designed landscapes, conservation areas, National Parks, World Heritage Sites, and the curtilage of a dwelling.
To enhance landscape quality	No significant effects identified	No significant effects identified	No significant effects identified
Material assets			
To avoid adversely impacting on material assets through the loss of resources such as soil or the	No significant effects identified	No significant effects identified	No significant effects identified

generation of waste through the loss of resources such as soil or the generation of waste			
To enhance material assets	No significant effects identified	No significant effects identified	No significant effects identified
Economy			
To support and enhance opportunities for sustainable economic growth	The existing PDR are likely to result in minor positive effects regarding supporting and enhancing opportunities for sustainable economic growth as they help to support a transition to a low carbon economy by facilitating a take up of electric vehicles, as well as facilitating an increase in electric vehicle purchases.	The proposed changes to PDR would contribute to the availability of charging points and facilitate an increase in electric vehicle use and purchases and support a transition to a low carbon economy. However, the positive economic effects resulting from a change in PDR would be similar to those provided by existing PDR, and the effects of the proposed changes would therefore remain minor positive.	
To support rural development	No significant effects identified	No significant effects identified	No significant effects identified
To support smarter resourcing of the planning system	No significant effects identified	No significant effects identified	No significant effects identified
Social, population and human health			
To avoid adverse effects on health and quality of life and reduce risks to health and quality of life	No significant effects identified	The proposed PDR are likely to result in minor positive effects on the avoidance of adverse effect on health and quality of life, where proposals lead to an increase uptake of electric vehicles with an associated reduction in noise and air pollution associated with fossil-fuel vehicles. This could be of particular relevance where air quality issues currently exist such as AQMAs and to those most vulnerable to the impacts of atmospheric pollution.	
To improve the health and living environment of people and communities including support for access, recreation and physical activity	No significant effects identified	The proposed PDR are likely to result in minor positive effects on the health and living environment of people and communities, where proposals lead to an increase uptake of electric vehicles with an associated reduction in noise and air pollution associated with fossil-fuel vehicles. This could be of particular relevance where air quality issues currently exist such as AQMAs and to those most vulnerable to the impacts of atmospheric pollution.	
To support community cohesion and vitality	No significant effects identified	No significant effects identified	No significant effects identified

To support access to education and training	No significant effects identified	No significant effects identified	No significant effects identified
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PDR for on-street/kerbside charging

PDR for on-street /kerbside charging	No Change in PDR	Extend PDR to allow on-street charging infrastructure in all areas	Extend PDR to allow on-street charging infrastructure in all areas outwith specified designated areas
Biodiversity, flora and fauna			
To avoid adverse effects on all habitats and species	No significant effects identified	No significant effects identified	No significant effects identified
To enhance biodiversity	No significant effects identified	No significant effects identified	No significant effects identified
Climatic factors			
To avoid increasing greenhouse gas emissions (GHG)	No significant effects identified	Significant positive effects may arise where the changes in PDR facilitate an uptake in use of EV powered by renewable energy, and support the wider deployment of EV and charge points, particularly in areas where there are no off-street parking areas (covered by Classes 9E and 9F).	
To support actions which contribute to targets for reducing greenhouse gas emissions	No significant effects identified	A PDR supporting on-street charging infrastructure is likely to support actions which contribute to targets for reducing GHG emissions. By supporting the wider deployment of electric vehicles, through increasing the availability of charging points, these changes may have a significant positive effect.	
To support climate change adaptation	No significant effects identified	Facilitating the creation of a more dispersed network of charging points may increase the network resilience to climate change events. By supporting the wider deployment of electric vehicles and use of renewable energy, these changes to PDR would make a significant positive effect.	
Air			
To avoid significant adverse effects on air quality, particularly where air quality is a known issue through the designation of AQMA	No significant effects identified	The proposed changes to PDR may result in minor positive effects on the avoidance of significant adverse effects on air quality where the PDR facilitates an increase in electric vehicles uptake. This may result in lower levels of air pollution from exhaust emissions, particularly at a local level, with associated benefits for human health and biodiversity. This could be of particular relevance where air quality issues currently exist such as AQMA and to those most vulnerable to the impacts of atmospheric pollution.	
To improve air quality	No significant effects identified	The proposed changes may have a positive effect on improving air quality as they encourage the uptake of electric vehicles which result in lower levels of air pollution compared	

		with combustion engines. The effect is expected to be minor positive.	
Water			
To improve the water environment and to avoid adverse effects on the quality and quantity of watercourses and waterbodies	No significant effects identified	No significant effects identified	No significant effects identified
To avoid and reduce flood risk	No significant effects identified	No significant effects identified	No significant effects identified
Soil			
To protect and avoid adverse effects on valuable soil resources, including carbon soils and best & most versatile agricultural land	No significant effects identified	No significant effects identified	No significant effects identified
To reduce vacant and derelict land/buildings and contaminated land and contaminated land	No significant effects identified	No significant effects identified	No significant effects identified
Cultural heritage			
To avoid adverse effects on designated and undesignated heritage assets and their settings	No significant effects identified	Extending PDR to allow development of on-street chargers has potential to create negative effects on heritage assets and their settings.	Negative effects on heritage assets and their settings may be minimised by PDR excluding areas within sites of archaeological interest, historic gardens or designed landscapes, historic battlefields, conservation areas, World Heritage Sites and the curtilage of listed buildings.
To enhance, where appropriate, heritage assets and their settings and to improve the quality of the wider built environment	No significant effects identified	No significant effects identified	No significant effects identified.
Landscape and geodiversity			
To avoid adverse impacts on protected landscapes, wild land,	No significant effects identified	Extending PDR to allow development of on-street charging infrastructure has potential to create	Negative impacts on landscapes will be minimised by PDR excluding areas within national scenic areas,

geodiversity and all landscapes		negative visual impacts.	historic gardens or designed landscapes, conservation areas, National Parks, World Heritage Sites, and the curtilage of a dwelling.
To enhance landscape quality	No significant effects identified	No significant effects identified	No significant effects identified
Material assets			
To avoid adversely impacting on material assets through the loss of resources such as soil or the generation of waste through the loss of resources such as soil or the generation of waste	No significant effects identified	No significant effects identified	No significant effects identified
To enhance material assets	No significant effects identified	No significant effects identified	No significant effects identified
Economy			
To support and enhance opportunities for sustainable economic growth	No significant effects identified	The proposed changes to PDR are likely to result in minor positive effects regarding supporting and enhancing opportunities for sustainable economic growth as they help to support a transition to a low carbon economy by facilitating a take up of electric vehicles, as well as facilitating an increase in electric vehicle purchases.	
To support rural development	No significant effects identified	No significant effects identified	No significant effects identified
To support smarter resourcing of the planning system	No significant effects identified	No significant effects identified	No significant effects identified
Social, population and human health			
To avoid adverse effects on health and quality of life and reduce risks to health and quality of life and reduce risks to health and quality of life	No significant effects identified	<p>The proposed PDR are likely to result in minor positive effects on the avoidance of adverse effect on health and quality of life, where proposals lead to an increase uptake of electric vehicles with an associated reduction in noise and air pollution associated with fossil-fuel vehicles. This could be of particular relevance where air quality issues currently exist such as AQMAs and to those most vulnerable to the impacts of atmospheric pollution.</p> <p>Insensitively sited on-street EV charging infrastructure could create an obstruction, which could disproportionately affect people with mobility impairments and people with visual</p>	

		impairments. Other regimes would, however, continue to apply.	
To improve the health and living environment of people and communities including support for access, recreation and physical activity including support for access, recreation and physical activity	No significant effects identified	The proposed PDR are likely to result in minor positive effects on the health and living environment of people and communities, where proposals lead to an increase uptake of electric vehicles with an associated reduction in noise and air pollution associated with fossil-fuel vehicles. This could be of particular relevance where air quality issues currently exist such as AQMAs and to those most vulnerable to the impacts of atmospheric pollution.	
To support community cohesion and vitality	No significant effects identified	No significant effects identified	No significant effects identified
To support access to education and training	No significant effects identified	No significant effects identified	No significant effects identified

PDR for moveable outdoor furniture on public road adjacent to food and drink premises

Outdoor furniture on public road adjacent to food and drink premises	No Change in PDR	PDR for moveable furniture on public road adjacent to food and drink premises leading to increased volume of furniture
Biodiversity, flora and fauna		
To avoid adverse effects on all habitats and species	No significant effects identified	No significant effects identified
To enhance biodiversity	No significant effects identified	No significant effects identified
Climatic factors		
To avoid increasing greenhouse gas emissions	No significant effects identified	No significant effects identified
To support actions which contribute to targets for reducing greenhouse gas emissions	No significant effects identified	No significant effects identified
To support climate change adaptation	No significant effects identified	No significant effects identified
Air		
To avoid significant adverse effects on air quality, particularly where air quality is a known issue through the designation of AQMA	No significant effects identified	No significant effects identified
To improve air quality	No significant effects identified	No significant effects identified
Water		
To improve the water environment and to avoid adverse effects on the quality and quantity of watercourses and waterbodies	No significant effects identified	No significant effects identified
To avoid and reduce flood risk	No significant effects identified	No significant effects identified
Soil		
To protect and avoid adverse effects on valuable soil resources, including carbon soils and best & most versatile agricultural land	No significant effects identified	No significant effects identified
To reduce vacant and derelict land/buildings and contaminated land and contaminated land	No significant effects identified	No significant effects identified
Cultural heritage		
To avoid adverse effects on designated and undesignated	No significant effects identified	Potential negative effects if furniture is insensitively placed

heritage assets and their settings		and impacts on the setting of historic assets.
To enhance, where appropriate, heritage assets and their settings and to improve the quality of the wider built environment	No significant effects identified	No significant effects identified
Landscape and geodiversity		
To avoid adverse impacts on protected landscapes, wild land, geodiversity and all landscapes	No significant effects identified	Potential for positive effects where furniture improves townscapes, and increases sense of place
To enhance landscape quality	No significant effects identified	Potential for positive effects where furniture improves townscapes, and increases sense of place
Material assets		
To avoid adversely impacting on material assets through the loss of resources such as soil or the generation of waste through the loss of resources such as soil or the generation of waste	No significant effects identified	Positive effect as result of investment in premises
To enhance material assets	No significant effects identified	Positive effect as result of investment in premises
Economy		
To support and enhance opportunities for sustainable economic growth	No significant effects identified	Potential positive impact through knock-on effects for footfall and viability of centres, including additional trade for businesses.
To support rural development	No significant effects identified	No significant effects identified
To support smarter resourcing of the planning system	No significant effects identified	No significant effects identified
Social, population and human health		
To avoid adverse effects on health and quality of life and reduce risks to health and quality of life and reduce risks to health and quality of life	No significant effects identified	<p>Minor negative effects could result from increases in noise pollution, late night disturbance and anti-social behaviour. This can be avoided through consideration of hours of operation.</p> <p>Insensitively sited furniture could create an obstruction, which could disproportionately affect people with mobility impairments and people with visual impairments. However,</p>

		other regimes would continue to apply.
To improve the health and living environment of people and communities including support for access, recreation and physical activity including support for access, recreation and physical activity	No significant effects identified	Potential for positive effects where furniture contributes to the vibrancy of centres.
To support community cohesion and vitality	No significant effects identified	No significant effects identified
To support access to education and training	No significant effects identified	No significant effects identified

Annex B: Partial Business and Regulatory Impact Assessment

Purpose and intended effect

Permitted development rights (PDR) refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the local authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).

The Scottish Government is currently undertaking a review of PDR in Scotland. This review involves taking forward new and extended PDR for a wide range of development types. Through Phase 2 of the programme, we are considering how changes to PDR, as well as the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO)³⁵, could help to support:

- The rollout of electric vehicle (EV) charging infrastructure.
- The resilience and recovery of city, town and local centres.
- Operational development at Scottish ports

The measures proposed as part of Phase 2 would:

- Increase the scale of EV chargers that may be installed under PDR, broaden the locations where PDR apply and extend the scope of the PDR to include associated apparatus and equipment.
- Provide greater flexibility to change the use of certain buildings and place furniture outside premises.
- Align port operators’ PDR with those of airports.

The proposals have been informed by a sustainability appraisal incorporating Strategic Environmental Assessment (SEA) requirements, which was subject to public consultation in November 2019. The Phase 2 proposals are accompanied by an update to the sustainability appraisal and draft SEA Post Adoption Statement.

By removing the need to seek planning permission before carrying out specified forms of development, PDR and the UCO can help to provide greater certainty for applicants and save time and money associated with preparing a planning application. In doing so, this can help to promote wider Scottish Government objectives – including those related to EV charging, centres and ports.

Consultation

Within Government

The proposals have been informed by targeted engagement with Transport Scotland, Historic Environment Scotland (HES), National Parks, NatureScot and the Scottish Environment Protection Agency (SEPA). Discussions were also

³⁵ The UCO groups various uses of land/buildings into a series of separate classes and provides that a change between uses in the same class does not constitute development requiring planning permission.

held with representatives from the Scottish Futures Trust, Heads of Planning Scotland (HOPS), the Society of Chief Officers of Transport in Scotland (SCOTS), COSLA, the Law Society of Scotland, Scottish Property Federation, Scottish Grocers Federation and the UK Major Ports Group (UKMPG).

Public Consultation

In November 2019 we consulted on a proposed work programme for reviewing and extending PDR in Scotland along with a Sustainability Appraisal. This included early versions of proposals for extending PDR in relation to existing PDR for EV charging infrastructure and changes of use in centres. The ports proposals did not form part of the original PDR work programme; the Sustainability Appraisal has been updated to reflect this and other changes to the draft proposals since the original appraisal. The update accompanies the Phase 2 consultation.

The Phase 2 consultation will run for three months, during which the public will be able to comment on the proposals.

Business

Some initial engagement has been undertaken with businesses in advance of public consultation. Further engagement will be undertaken during the consultation period to help inform our final proposals for change.

Options

Option 1 - Do Nothing

No changes to current PDR or the UCO. Unless development is covered by PDR (or not development by virtue of the UCO), an application for planning permission would continue to be required.

Option 2 – Measures set out in Phase 2 consultation

Through the Phase 2 consultation, views are sought on the following potential measures:

- EV Charging Infrastructure
 - Removing the restriction in specified areas for upstands and wall mounted charging points in off-street parking areas.
 - Increasing the height limit for EV charging upstands in off street parking areas.
 - Extending PDR to cover solar canopies, equipment housing and battery storage related to EV charging upstands in off-street parking areas.
 - Introducing PDR for the conversion of existing petrol filling stations to EV charging hubs.
 - Introducing PDR for on-street EV charging infrastructure.
 - Updating local authority PDR to reflect emerging delivery models for EV charging infrastructure which might involve private sector.

- Centres
 - Merging various use classes, thereby providing greater flexibility to change the use of buildings without planning permission being required.

- Introducing PDR to allow the conversion of buildings in specified use to workspace.
- Introducing PDR for furniture to be placed outside specified premises serving food and drink.

- Port Development
 - Aligning port operators' PDR with those of airports to ensure a level playing field between English and Scottish ports, with respect to PDR.

Sectors and groups affected

The measures would, if taken forward, grant planning permission for specified forms of development (or provide that specified changes of use are not development for planning purposes). The effect is to allow relevant development to be carried out without a planning application needing to be submitted to and approved by the local authority. Key parties affected are:

- Developers, operators and landowners able to carry out development without preparing a planning application;
- Planning authorities no longer having to handle and determine planning applications for relevant development types; and
- Members of the public potentially affected by developments carried out under PDR (impacts, whether positive or negative, will depend on the nature of development).

Benefits

Granting planning permission through new or extended PDR (or providing that changes of use do not constitute development through UCO amendments) can help to provide greater certainty for developers. Such measures can avoid developers having to go to the time and expense of submitting a planning application. Financial savings (per development) will be associated with the lack of an application fee and the costs of preparing associated documentation, drawings and reports. Other than application fees (which are set by national legislation), these costs are very development- and context-specific and so cannot be robustly quantified. As of 1 April 2022³⁶, fees for the following types of development are:

- Change of use of building (other than to residential use): £600 per 100sqm of floorspace for first 4,000sqm; thereafter £300 per 100sqm up to maximum of £150,000
- Erection, alteration or replacement of plant or machinery: £500 per 0.1ha of site area for first 5ha, thereafter £250 per 0.1ha up to maximum of £150,000
- Construction of buildings and structures: £600 per 100sqm of floorspace for first 4,000sqm; thereafter £300 per 100sqm up to maximum of £150,000³⁷

³⁶ See the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022- which do include limited powers for fees to be waived in certain cases.

³⁷ £300 if proposed building or structure does not exceed 50sqm; £600 per 0.1ha up to maximum of £150,000 where no buildings are proposed to be created

In addition to savings linked to lack of planning application fee and cost of preparing planning application documents, there would be savings associated with the time taken to obtain planning permission. Notwithstanding time preparing application materials, [planning performance statistics](#) indicate that in 2020-21 the average time taken to determine applications for local non-householder development was 12.4 weeks. Although we do not have the evidence to quantify time based savings, the planning application statistics indicate they could be substantial.

The overall extent of savings to business will ultimately depend on how many developments come forward under PDR (or UCO provisions) that would previously have been subject to a planning application. This is difficult to forecast, not least because planning application data held centrally is not broken down with sufficient 'granularity' to indicate how many applications there have previously been for the types of development for which PDR/UCO measures are being considered.

By removing more development proposals from the planning application process, the Phase 2 measures under consideration will also reduce administrative burdens on planning authorities – allowing them to focus resources elsewhere, including the determination of major planning applications.

The proposed measures are intended to, amongst other things:

- Encourage the rollout of EV charging infrastructure, in doing so helping to reduce vehicle emissions and tackle climate change.
- Promote the resilience, regeneration and recovery of city, town and local centres.
- Support operational development at ports.

To this extent, there will be benefits to the general public – particularly EV users and those who live in, work in or visit centres.

Costs

The proposed changes would result in savings for both applicants (who would no longer have to pay to prepare applications for planning permission) and planning authorities (who would no longer have to determine said applications). However, initially, savings may be partially offset by some indirect costs to business in ascertaining whether or not development proposals are covered by PDR, and in complying with planning enforcement were any work inadvertently carried out which subsequently transpires not to benefit from PDR. However, such costs are anticipated to be minimal and short-term and will naturally dissipate as parties become familiar with the changes.

The non-financial costs associated with projects carried out under PDR or UCO would depend on the specific nature and characteristics of the works (e.g. changes of use) that come forward. There could be localised impacts on amenity (e.g. visual appearance, noise, odours). The Phase 2 consultation seeks views on the extent of such impacts, and whether they could be

controlled through either non-planning regimes (e.g. environmental health, consenting under Roads legislation) or conditions/limitations placed on any new or amended PDR.

Scottish Firms Impact Test

We have had some initial engagement with firms/ organisations about our proposals; further discussions will take place during the consultation period.

Competition Assessment

We do not consider that the proposed Phase 2 measures would negatively impact on competition. It is considered that the measures would not limit the number or range of suppliers, the ability of suppliers to compete, suppliers' incentives to compete or the choices and information available to consumers.

Consumer Assessment

We do not consider that the proposed Phase 2 measures would negatively impact on consumers. It is considered that the measures would not affect the quality, availability or price of any goods or services in a market, affect the essential services market, such as energy or water, involve storage or increased use of consumer data, increase opportunities for unscrupulous suppliers to target consumers, impact the information available to consumers on either goods or services or their rights in relation to these, or affect routes for consumers to seek advice or raise complaints on consumer issues.

Test run of business forms

No new forms to be introduced.

Digital Impact Test

It is considered that the proposed measures would not be impacted by changes to processes brought about by digital transformation. Regulation of the technology used in the developments is not a matter for planning.

Legal Aid Impact Test

It is considered that the proposed changes will not give rise to increased use of legal processes or create new rights or responsibilities which would impact on the legal aid fund.

Enforcement, sanctions and monitoring

Planning authorities have a range of enforcement tools to deal with breaches of planning control. See [Planning Circular 10/2009](#) for further information.

Summary and recommendation

Summary costs and benefits table

Option	Total benefit per annum	Total cost per annum
Option 1 – Do Nothing	Current situation is maintained which is understood by applicants, authorities and third parties.	Applications would continue to be required for relevant development types, with associated costs and timescales.

			Not progressing the Phase 2 measures could potentially slow the rollout of EV charging infrastructure, the recovery of our centres and high streets and port development.
Option 2 – Measures set out in Phase 2 consultation	EV Charging Infrastructure	<p>New/extended PDR would reduce need for planning applications, leading to financial and time savings for applicants. However, we do not have data indicating how many planning applications the proposed measures would remove from the system or how many developments would be progressed as a result.</p> <p>Changes under consideration would support roll-out of EV charging infrastructure, helping to reduce vehicle emissions and tackle climate change.</p> <p>Fewer applications would reduce burdens on planning authorities.</p>	<p>There could be localised amenity impacts, particularly as a result of visual effects of infrastructure located in designated areas (e.g. National Scenic Areas, conservation areas) where PDR are currently restricted. Article 4 directions could be used to address this.</p> <p>On-street chargers have potential to create obstructions which could adversely affect particular groups. Consultation seeks views on whether such impacts can be adequately controlled through separate consenting under Roads legislation and/or conditions attached to any new PDR.</p>
	Changes of Use in Centres	<p>New PDR and/or changes to the UCO would reduce need for planning applications, leading to financial and time savings for applicants. However, we do not have data indicating how many planning applications the proposed measures would remove from the system or how many developments would be progressed as a result.</p> <p>The enhanced flexibility provided by the measures could help businesses to diversify and respond more rapidly to changing circumstances, community needs and customer demands. To that extent, proposals may help to support the resilience and recovery of centres, and promote the establishment of 20-minute neighbourhoods.</p>	<p>In the case of UCO changes under consideration, there could be localised amenity impacts where changes of use can take place outwith planning (by virtue of not being development). Consultation seeks views on whether non-planning regimes (e.g. environmental health) provide adequate control.</p> <p>Proposed UCO measures could potentially see a loss of certain uses (e.g. retail) in particular locations, leading to localised clustering rather than a diverse mix of uses.</p> <p>Furniture located on pavements outside food and drink premises have the potential to create obstructions which could adversely affect particular groups. Consultation seeks</p>

		<p>Thriving centres (and the ability of people to readily access local facilities and services) are associated with a range of social, economic and environmental benefits.</p> <p>Fewer applications would reduce burdens on planning authorities.</p>	<p>views on whether such impacts can be adequately controlled through separate consenting under Roads legislation and/or conditions attached to any new PDR.</p>
	Port Development	<p>We do not have data indicating how many planning applications the proposed measures would remove from the system or how many developments would be progressed as a result. Consultation seeks views on this point.</p> <p>Alignment of port and airport PDR would ensure a level playing field between Scottish and English ports with respect to ports, helping to attract and retain investment.</p> <p>Fewer applications would reduce burdens on planning authorities.</p>	<p>Potential localised amenity impacts; these are expected to be limited as port and airport PDR are already very similar. Consultation seeks further views on this point.</p>

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact will be assessed with the support of businesses in Scotland.

Signed: Tom Arthur

Date: 21 April 2022

Minister’s name: Tom Arthur MSP

Minister’s title: Minister for Public Finance, Planning and Community Wealth

Scottish Government Contact point: Tom Winter, Planning and Architecture Division

Annex C: Draft Equality Impact Assessment Record

Title of policy/ practice/ strategy/ legislation etc.	Permitted Development Rights Review – Phase 2	
Minister	Minister for Public Finance, Planning and Community Wealth	
Lead official	Tom Winter	
Officials involved in the EQIA	Name	Team
	Lyndsey Murray Alan Cameron	Planning and Architecture Division
Directorate: Division: Team	Local Government: Planning and Architecture Division	
Is this new policy or revision to an existing policy?	Revision to Existing Policy	

Screening

Policy Aim

Permitted development rights (PDR) refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the planning authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).

The Scottish Government is currently undertaking a review of PDR in Scotland. This review involves taking forward new and extended PDR for a wide range of development types. Through Phase 2 of the programme, we are considering how changes to PDR, as well as the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO)³⁸, could help to support:

- The rollout of electric vehicle (EV) charging infrastructure.
- The resilience and recovery of city, town and local centres.
- Operational development at Scottish ports.

The measures proposed as part of Phase 2 would:

- Increase the scale of EV chargers that may be installed under PDR, broaden the locations where PDR apply and extend the scope of the PDR to include associated apparatus and equipment.
- Provide greater flexibility to change the use of certain buildings and place furniture outside premises.

³⁸ The UCO groups various uses of land/buildings into a series of separate classes and provides that a change between uses in the same class does not constitute development requiring planning permission.

- Align port operators' PDR with those of airports.

The proposals have been informed by a sustainability appraisal incorporating Strategic Environmental Assessment (SEA) requirements, which was subject to public consultation in November 2019. The Phase 2 proposals are accompanied by an update to the sustainability appraisal and draft SEA Post Adoption Statement.

By removing the need to seek planning permission before carrying out specified development or works, PDR and the UCO can help to provide greater certainty for applicants and save time and money associated with preparing a planning application. In doing so, this can help to promote wider Scottish Government objectives – including those related to EV charging, centres and ports.

Who will it affect?

The measures would, if taken forward, grant planning permission for specified forms of development (or provide that specified changes of use are not development for planning purposes). The effect is to allow relevant development to be carried out without a planning application needing to be submitted to and approved by the local authority. Key parties affected are:

- Developers, operators and landowners able to carry out development without preparing planning application
- Planning authorities no longer having to handle and determine planning applications
- Members of the public affected by developments carried out under PDR (impacts, whether positive or negative, will depend on the nature of development)

As noted above, the proposed measures are intended to, amongst other things:

- Encourage the rollout of EV charging infrastructure, in doing so helping to reduce vehicle emissions and tackle climate change.
- Promote the resilience, regeneration and recovery of city, town and local centres.
- Support operational development at ports.

To this extent, there will be benefits to the general public – particularly EV users and those who live in, work in or visit centres. This includes people with protected characteristics.

What might prevent the desired outcomes being achieved?

The key factor which may prevent the desired outcomes being achieved is if the types of development provided for by PDR/UCO changes are not brought forward.

The Scottish Government can amend legislation such that specified development can be carried out without an application for planning permission being required. While that may help to incentivise such development, it does not – in and of itself – guarantee delivery. It is for businesses, operators,

developers and other relevant parties to determine whether to carry out development under any new provisions.

Stage 1: Framing

Results of framing exercise

Overall, the measures under consideration through Phase 2 of the PDR review are expected to have positive impacts on all groups, including those with protected characteristics.

Insofar as the measures support the roll-out (and increased accessibility) of EV charging infrastructure, there may be positive impacts on particular groups. The [Social and Equality Impact Assessment \(SEQIA\) undertaken alongside the National Transport Strategy 2](#) identified potential positive impacts on children and young people (who are more likely to be adversely affected by poor air quality and long term effects of climate change) as well as older people and disabled people (both of whom are more vulnerable to poor air quality). The [Cleaner Air for Scotland 2: equalities impact assessment](#) noted that differences in vulnerability to air pollution is a complex issue. The evidence is inconsistent, although research in older adults and studies that have used estimates of exposure based on place of residence suggest that the effects of air pollution are more pronounced in women. It also noted that epidemiological studies suggest a link between air pollution exposure and premature birth, with the strongest evidence for gaseous pollutants (O3 and SO2) and weaker evidence for particulates (PM2.5 and PM10). The strongest evidence from epidemiological studies of pregnancy outcomes is that air pollution affects foetal growth and birth weight.

Insofar as the measures support the resilience and recovery of centres, there are likely to be positive impacts for those with protected characteristics. Thriving centres providing a range of accessible facilities and services are associated with multiple social, economic and environmental benefits. Indeed the recent report [A New Future for Scotland's Town Centres](#) by the Town Centre Review Group highlighted that successful centres which offer diverse and mixed uses can help to enhance a sense of community, place and advance equality by enabling all members of society to participate fully. The Phase 2 consultation document does recognise that although they are intended to promote greater flexibility and vibrancy the proposed UCO changes have the potential to see a loss of certain uses in particular locations, resulting in clustering of uses rather than diverse and mixed uses.

The initial framing exercise has indicated that specific proposals under consideration could potentially have negative impacts on people with certain protected characteristics – if they lead to uncontrolled provision of EV chargers and furniture located on pavements. A number of evidence sources, such as Transport Scotland's [Inclusive Design in Town Centres and Busy Street Areas](#), highlight that obstructions located on the street can affect the inclusiveness of the public realm in a way that disproportionately impacts disabled people. This includes wheelchair users, people with visual/hearing impairments as well as learning/non-visible disabilities. Obstructions and

street clutter may also have negative impacts on older people (age protected characteristic) and people using pushchairs/buggies (pregnancy and maternity protected characteristic).

However, the planning system is not the only regulatory process which has a bearing on the inclusiveness of the built environment. Notwithstanding any new/extended PDR, other controls would continue to apply to proposed development located on the street – such as consenting under Roads legislation and licensing. Land ownership (e.g. public ownership of non-private roads) can also influence outcomes positively. The Phase 2 consultation seeks views on whether these non-planning controls (and/or conditions attached to any new PDR) would be sufficient to ensure proper consideration of inclusive access if new PDR are taken forward for on-street chargers and furniture located outside certain premises serving food and drink.

Extent/Level of EQIA required

Overall, the proposals are considered to have positive impacts.

There is potential for certain measures under consideration to have negative impacts if taking them forward leads to uncontrolled provision of certain development/equipment/structures on or adjacent to pavements. We will seek views on this point – and on the EqIA more generally – through the Phase 2 consultation.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ³⁹	Evidence gathered and Strength/quality of evidence	Source
<p>Age Disability Pregnancy and Maternity</p>	<p>Obstructions located within the public realm, streets and paths can adversely affect inclusive access for a number of different groups, including individuals with protected characteristics.</p>	<p>Inclusive Design in Town Centres and Busy Street Areas: Transport Scotland Research Report (February 2021): Inclusive Design in Town Centres and Busy Street Areas Transport Scotland</p> <p>Going Further: Scotland's Accessible Travel Framework (2016) Going Further: Scotland's Accessible Travel Framework (transport.gov.scot)</p> <p>Scotland's Fourth National Planning Framework: Draft – Integrated Impact Assessment Society and Equalities Impact Assessment (November 2021): Supporting documents - Scotland 2045: fourth National Planning Framework - draft: society and equalities impact assessment - gov.scot (www.gov.scot)</p> <p>Weekly Poll – 20-minute Neighbourhoods (Week Beginning 9 November 2020) Have Your Say... (yoursayondisability.scot)</p>
<p>Age Sex Disability</p>	<p>Groups who are more vulnerable to transport emissions include children, women, older people and disabled people. These groups are likely to benefit from measures which improve air quality.</p> <p>Measures to mitigate impacts of climate change are likely to advance equality of opportunity for young people and children who are more likely to experience adverse impacts in their lifetime.</p> <p>Work to ensure that EV charging infrastructure is accessible by all users will provide equal opportunities to disabled people to purchase/use an EV.</p>	<p>National Transport Strategy 2 Delivery Plan – Social and Quality Impact Assessment (October 2021): NTS2 Delivery Plan - Social and Equality Impact Assessment (SEQIA) 2021-09-03 (transport.gov.scot)</p> <p>Cleaner Air for Scotland 2 – Equalities Impact Assessment (October 2020) Stage 2: Data and Evidence Gathering - Cleaner Air for Scotland 2: equalities impact assessment - gov.scot (www.gov.scot)</p>

³⁹ Refer to Definitions of Protected Characteristics document for information on the characteristics

<p>All</p>	<p>The provision of accessible shops, services and amenities has the potential to encourage active travel and promote social capital and inclusion – with social, economic and environmental benefits for all people, including those with protected characteristics.</p> <p>“We need to ensure there are good quality, affordable and accessible places and spaces where people spend time, gather and meet. It is essential to create, retain and maintain the environmental and social infrastructure that supports social interactions and participation in communities – the informal public places, spaces, and facilities where people spend time, gather and meet. Evidence shows this is most important in the areas where there is a perceived lack of these places, e.g. in areas of deprivation and for disabled people” (Social Capital in Scotland report)</p> <p>“The best of our town centres and our most successful towns offer a sustainable, local economy and society with diverse and mixed uses attracting and meeting the needs and desires of their local communities. They are centres that enhance a sense of community, place, identity and that advance equality by enabling all members of society to participate fully” (New Future for Scotland’s Town Centres)</p>	<p>Scotland’s Fourth National Planning Framework: Draft – Integrated Impact Assessment Society and Equalities Impact Assessment Supporting documents - Scotland 2045: fourth National Planning Framework - draft: society and equalities impact assessment - gov.scot (www.gov.scot)</p> <p>Social Capital in Scotland: report (February 2020) Supporting documents - Social capital in Scotland: report - gov.scot (www.gov.scot)</p> <p>A New Future for Scotland’s Town Centres: Town Centre Action Plan Review Group Report (February 2021) A New Future for Scotlands Town Centres (www.gov.scot)</p>
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Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination, harassment or victimisation.
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland’s centres, the measures should have a positive impact on people of all ages. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on young people and children, who are disproportionately affected by air pollution and the long term effects of climate change. Older people are also more vulnerable to air pollution, so are likely to benefit from measures that improve air quality.</p> <p>PDR relating to furniture and EV chargers located on or adjacent to pavements could potentially have negative impacts if they lead to uncontrolled provision of such developments. This is because obstructions and street clutter can adversely affect some older people disproportionately. However, inclusive access issues can be considered and controlled through mechanisms other than planning, which will continue to apply even if planning permission is granted via PDR. The Phase 2 consultation seeks views on this point and on any conditions and limitations on any new PDR.</p>

Promoting good relations among and between different age groups			x	Proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on relations between different age groups.
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Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination, harassment or victimisation.
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on disabled people. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on disabled people, who are more vulnerable to transport emissions.</p> <p>PDR relating to furniture and EV chargers located on or adjacent to pavements could potentially have negative impacts if they lead to uncontrolled provision of such developments. This is because obstructions and street clutter can adversely affect some disabled people disproportionately. However, inclusive access issues can be considered and controlled through mechanisms other than planning, which will continue to apply even if planning permission is granted via PDR. The Phase 2 consultation seeks views on this point and on any conditions and limitations on any new PDR.</p>
Promoting good relations among and between disabled and non-disabled people			x	Proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this

				would have an impact on relations between disabled and non-disabled people.
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Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.
Advancing equality of opportunity	x			To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on all people – including both men and women. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses. Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.
Promoting good relations between men and women			x	Measures under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would affect relations between men and women.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.
Advancing equality of opportunity	x			To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on all people. The Phase 2 consultation document acknowledges

				<p>that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.</p> <p>PDR relating to furniture and EV chargers located on or adjacent to pavements could potentially have negative impacts if they lead to uncontrolled provision of such developments. This is because obstructions and street clutter can adversely affect some people disproportionately – including those with prams or pushchairs. However, inclusive access issues can be considered and controlled through mechanisms other than planning, which will continue to apply even if planning permission is granted via PDR. The Phase 2 consultation seeks views on this point and on any conditions and limitations on any new PDR.</p>
Promoting good relations			x	<p>The proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on good relations.</p>

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	<p>The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.</p>
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland’s centres, the measures should have a positive impact on all people. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some</p>

				<p>places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.</p>
Promoting good relations			x	<p>The proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on good relations.</p>

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	<p>The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.</p>
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on all people, regardless of their sexual orientation. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.</p>
Promoting good relations			x	<p>The proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on relations between people of different sexual orientation.</p>

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	<p>The proposed measures provide for certain types of development or</p>

				works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on all people, regardless of their race. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.</p>
Promoting good race relations			x	The proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on race relations.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.
Advancing equality of opportunity	x			<p>To the extent that they support the provision and/or retention of accessible facilities, services and amenities in Scotland's centres, the measures should have a positive impact on all people, regardless of their religion or belief. The Phase 2 consultation document acknowledges that the effects of the proposed UCO changes may vary and in some places could lead to loss and/or clustering of particular uses.</p> <p>Measures that promote the efficient rollout of EV charging infrastructure should have positive impact on all people, by helping to improve air quality and tackle climate change.</p>

Promoting good relations			x	The proposals under consideration are intended to promote certain types of development or works by removing the need to seek consent before carrying them out. It is not considered that this would have an impact on relations between people of different religions or beliefs.
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Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership⁴⁰	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	The proposed measures provide for certain types of development or works to be carried out without an application for planning permission. It is not considered that this would raise issues with regards to discrimination.

⁴⁰ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Positive impacts for all groups associated with measures that support the rollout of EV infrastructure and the resilience, regeneration and recovery of Scotland's centres. PDR related to furniture and EV charging infrastructure have the potential to affect inclusive access if they lead to uncontrolled provision: the consultation seeks views on whether and how such impacts can be properly mitigated.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁴¹ ?	No
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

Describing how Equality Impact analysis has shaped the policy making process

The EqIA analysis has assisted with identification of potential effects – positive and negative – of emerging PDR and UCO proposals. We will use the Phase 2 consultation to seek views on the issues and potential mitigations identified. Consultation will enable respondents to highlight potential issues and impacts that may not have been identified to date. The further evidence gathered through consultation will inform the refinement and implementation of proposed measures.

Monitoring and Review

The Phase 2 will be subject to a 12 week period of public consultation, which will provide the opportunity for a range of stakeholders to comment on the proposed measures. The feedback received will help to inform the development, refinement and implementation of final proposals. These will be given effect through amendments to the GPDO and the UCO. Once the final regulations are prepared, consideration will be given to whether additional guidance, advice and information is required to help developers, planning authorities and other interested parties to understand the effect of the provisions.

As noted in the Post Adoption Statement that accompanies the Phase 2 consultation we will give further consideration to monitoring and set out our proposals following the consultation. This could involve various approaches such as liaison with planning authorities, developers and statutory bodies, as well as commissioning research. Subsequent Phases of the PDR programme will consider changes to PDR for other development types.

⁴¹ See EQIA – Setting the Scene for further information on the legislation.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for PDR Review – Phase 2 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Fiona Simpson

Position: Chief Planner, Scottish Government

Authorisation date: 21 April 2022

Annex D: Draft Children’s Rights and Wellbeing Assessment

Brief Summary

Permitted development rights (PDR) refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the local authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).

The Scottish Government is currently undertaking a review of PDR in Scotland. This review involves taking forward new and extended PDR for a wide range of development types. Through Phase 2 of the programme, we are considering how changes to PDR, as well as the Town and Country planning (Use Classes) (Scotland) Order 1997 (UCO)⁴², could help to support:

- The rollout of electric vehicle (EV) charging infrastructure.
- The resilience and recovery of city, town and local centres.
- Operational development at Scottish ports

The measures proposed as part of Phase 2 would:

- Increase the scale of EV chargers that may be installed under PDR, broaden the locations where PDR apply and extend the scope of the PDR to include associated apparatus and equipment.
- Provide greater flexibility to change the use of certain buildings and place furniture outside premises.
- Align port operators’ PDR with those of airports.

They would contribute to the following National Outcomes:

- We value, enjoy, protect and enhance our environment.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We live in communities that are inclusive, empowered, resilient and safe.

The proposals have been informed by a sustainability appraisal incorporating Strategic Environmental Assessment (SEA) requirements, which was subject to public consultation in November 2019. The Phase 2 proposals are accompanied by an update to the sustainability appraisal and draft SEA Post Adoption Statement.

By removing the need to seek planning permission before carrying out specified development or works, PDR and the UCO can help to provide greater certainty for applicants and save time and money associated with preparing a planning application. In doing so, this can help to promote wider Scottish Government objectives – including those related to EV charging, centres and ports.

⁴² The UCO groups various uses of land/buildings into a series of separate classes and provides that a change between uses in the same class does not constitute development requiring planning permission.

What aspects of the policy/measure will affect children and young people up to the age of 18?

The impact of the Phase 2 proposals will ultimately depend on the number and nature of developments that come forward as a result of any new provisions. PDR and the UCO enable specified development and works to be carried out without an application for planning permission but they do not guarantee delivery. Insofar as the measures do support the rollout of EV charging infrastructure and EV ownership, they should help to contribute to reduced vehicle emissions and improved air quality. These outcomes would positively affect children and young people. Similarly, insofar as the measures promote the resilience and recovery of Scotland’s centres, children and young people would be positively affected. The potential changes to port operator PDR are not expected to affect children and young people.

What likely impact – direct or indirect – will the policy/measure have on children and young people?

The Phase 2 proposals are not expected to have direct impacts on children and young people. We anticipate that positive indirect impacts would stem from the proposed extension of PDR for EV charging infrastructure. This is on the basis that children and young people are disproportionately affected by air pollution and the long term effects of climate change. The Phase 2 measures that are intended to support the resilience and recovery of Scotland’s centres also have the potential to indirectly benefit children and young people by helping to create spaces which are welcoming, safe and accessible.

Which groups of children and young people will be affected?

The positive indirect impacts associated with the Phase 2 measures are expected to benefit all groups. As noted in the EqIA accompanying the Phase 2 consultation, the proposed PDR for on-street EV chargers and furniture could potentially affect some disabled people (including disabled children and young people) negatively if they lead to uncontrolled provision of such developments. This is on the basis that obstructions and street clutter can hinder inclusive access. However, such issues can be considered and controlled through mechanisms other than planning, which will continue to apply even if planning permission is granted via PDR. The Phase 2 consultation seeks views on this point and on any conditions and limitations on any new PDR.

Is a Children’s Rights and Wellbeing Impact Assessment required?

We do not consider that a CRWIA is required. Nevertheless we will use the Phase 2 consultation process to seek further views on the potential impacts that the proposals could have on children and young people.

Tom Winter Development Management Planning and Architecture Division	21 April 2022
Fiona Simpson Chief Planner Planning and Architecture Division	21 April 2022

Annex E: Draft Island Communities Impact Assessment

Overview

This consultation stage assessment relates to Phase 2 of the Scottish Government's Review of Permitted Development Rights. The background to the proposals are contained in the main body of the Phase 2 consultation paper.

The Islands (Scotland) Act 2018 (the 2018 Act)

Section 8 of the Islands (Scotland) Act 2018 states that Scottish Ministers must prepare an Island Communities Impact Assessment (ICIA) in relation to a policy, strategy, or service, which, in its opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. These provisions came into force on 23 December 2020. In December 2020 the Scottish Government published guidance and a toolkit for the preparation of ICIA⁴³.

Policy objectives

Permitted development rights (PDR) refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the local authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the GPDO").

The Scottish Government is currently undertaking a review of PDR in Scotland. This review involves taking forward new and extended PDR for a wide range of development types. Through Phase 2 of the programme, we are considering how changes to PDR, as well as the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO)⁴⁴, could help to support:

- The rollout of electric vehicle (EV) charging infrastructure.
- The resilience and recovery of city, town and local centres.
- Operational development at Scottish ports

The measures proposed as part of Phase 2 would:

- Increase the scale of EV chargers that may be installed under PDR, broaden the locations where PDR apply and extend the scope of the PDR to include associated apparatus and equipment.
- Provide greater flexibility to change the use of certain buildings and place furniture outside premises.
- Align port operators' PDR with those of airports.

Any changes to PDR and/or the UCO would be Scotland-wide.

⁴³ [Island Communities Impact Assessments: guidance and toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/island-communities-impact-assessments-guidance-and-toolkit/pages/1-introduction.aspx)

⁴⁴ The UCO groups various uses of land/buildings into a series of separate classes and provides that a change between uses in the same class does not constitute development requiring planning permission.

Data Gathering and Consultation

The proposals have been informed by a sustainability appraisal incorporating Strategic Environmental Assessment (SEA) requirements, which was subject to public consultation in November 2019. The Phase 2 proposals are accompanied by an update to the sustainability appraisal and draft SEA Post Adoption Statement.

The Phase 2 consultation will run for three months, during which the public will be able to comment on the proposals – as well as the draft analysis in this consultation stage assessment. We will engage with Island authorities during the consultation period to gather further evidence about the impact of our proposals.

EV Charging Infrastructure

The [National Islands Plan Survey](#) (July 2021) found that 3% of islands use EVs. Related to this, the [ICIA accompanying the National Transport Strategy 2 Delivery Plan](#) (October 2021) highlights a lack of EV charging infrastructure on the islands. It notes that increased provision could:

- Facilitate greater use of EVs on the islands.
- Help to support tourism by enabling visitors to charge safely.
- Support resilience of freight transport coming to and from islands.
- Create job opportunities linked to installation and maintenance of chargers.

This would suggest that the Phase 2 measures related to provision of EV chargers would have a positive impact on island communities.

Changes of Use in Centres

Through Phase 2 we are considering the introduction of new PDR and/or changes to the UCO which, in summary, would provide greater flexibility to change the use of certain buildings and place furniture outside premises without a planning application having to be approved. Such measures are intended to support the resilience, recovery and regeneration of Scotland's centres. If taken forward they would apply across the whole of Scotland – including the Islands. To the extent that the measures support these outcomes, they should have a positive impact on island communities.

One of the specific measures under consideration is to merge a number of existing UCO use classes into a more general class: this was a recommendation of the Town Centre Review Group in their report [A New Future for Scotland's Town Centres](#) (February 2020). The effect of merging classes would therefore be to take additional changes of use out of the scope of planning control.

Such an amendment could help centres to become more flexible and responsive to changing circumstances; it would also reflect the extent to which centres (and the pressures they face) have evolved in recent years. However, the Phase 2 consultation and the accompanying Business and Regulatory Impact Assessment (BRIA) acknowledge that a deregulatory change of this nature could lead to a loss and/or concentrations of certain uses in particular locations. For example, the proposed merging of Classes 1, 2 and 3 would allow shops to change to cafes or restaurants without planning permission. Where communities are served by a single shop or general store, this has the potential to reduce the accessibility of local services. This could be a particular issue in rural areas, including Island

communities. The Phase 2 consultation therefore seeks additional views and evidence on this potential issue.

Port Development

The proposals we are seeking views on through the Phase 2 consultation would apply to all ports to which PDR under Class 35 of the GPDO are applicable – including island ports. The impacts and outcomes of the proposed measures are not expected to differ in the islands notwithstanding the particular importance of ports to island communities.

Conclusion

The assessment process requires that the Scottish Government determine whether in its opinion the policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

Overall, the proposed Phase 2 measures are expected to deliver benefits for Island communities. Of the proposals under consideration, those related to EV charging infrastructure and ports are anticipated to be of particular benefit.

We will use the Phase 2 consultation process to seek views on the draft analysis contained in this consultation stage assessment. Feedback and additional evidence gathered during the consultation period will inform the refinement and implementation of proposed measures. It will also inform the completion of the final ICIA, which will accompany any amendments to the GPDO and/or UCO that flow from the Phase 2 consultation.

Annex F: Fairer Scotland Duty Assessment

Policy title	Permitted Development Rights Review – Phase 2
Directorate: Division: Team:	Local Government & Communities Planning & Architecture Development Delivery
Policy lead responsible for taking the decision	Tom Winter

Rationale for decision
<p>The changes to permitted development rights (PDR) and use classes order (UCO) proposed in this consultation are not considered to constitute a strategic decision for the purposes of the Fairer Scotland Duty. The proposals would alter the process by which specified forms of development are consented, in order to support wider Scottish Government policy objectives. The types of development for which new or extended PDR are being considered are either relatively small-scale (e.g. electric vehicle charge points), involve changes to the use of existing buildings or, in the case of ports, are limited to specific locations. This is consistent with the approach that was taken for Phase 1 of the PDR review.</p>

I confirm that the decision to **not** carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
Fiona Simpson, Chief Planner	21 April 2022

Annex G: Respondent Information Form



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Review of Permitted Development Rights – Phase 2

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

Individual Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes No



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