

Response ID ANON-PNF2-9E3B-9

Submitted to **The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland – Consultation on Phase 1 Proposals**

Submitted on 2020-11-12 16:20:52

Digital Telecommunications Infrastructure

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

Yes

If you disagree please explain why:

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

No

If you disagree, please explain why:

The significant increase in height may have a negative impact on cultural heritage designations in urban and non urban settings. Existing sites may have been selected due to their limited impact on amenity at a certain height. Assessing the impact on a sensitive designation would be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

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

No

If you disagree, please explain why:

The significant increase in height may have a negative impact on cultural heritage designations in urban and non urban settings. Existing sites may have been selected due to their limited impact on amenity at a certain height. Assessing the impact on a sensitive designation would be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

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

No

If you disagree, please explain why:

The significant increase in height may have a negative impact on cultural heritage designations in urban and non urban setting. Existing sites may have been selected due to their limited impact on amenity at a certain height. Assessing the impact on a sensitive designation would be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

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

Not Answered

If you disagree, please explain why:

The significant increase in width may have a negative impact on cultural heritage designations in urban and non urban setting. Existing sites may have been selected due to their limited impact on amenity at a certain width. Assessing the impact on a sensitive designation would be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

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

No

If you disagree, please explain why:

Given the significant increases in height and width possible, and a negative impact upon designated areas arising, planning permission should be required to allow both the planning authority, local community and amenity bodies to assess the potential impact. The process itself may encourage the telecommunication provider to consider alternative locations within the designated area where larger and wider masts may be more appropriate. prior notification may not be enough to encourage this.

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

No

If you disagree, please explain why:

This may have an adverse impacts on undesignated heritage, often below ground, that would require the input of local authority archaeological expertise.

8 Do you agree that in the case of replacement masts, in designated areas the current 6m distance from the original location should be retained?

Yes

If you disagree, please explain why:

9 We propose to retain the current approach to notify the relevant safeguarding body for masts. Do you agree?

Yes

If you disagree, please explain why:

10 Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out in Table 3 in the consultation paper?

Yes

If you disagree, please explain why:

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

No

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

The cumulative impact of antennae must be carefully considered in designated areas and on designated buildings. The direct physical impact of attaching antennae to historic buildings also requires expert advise to ensure minimal destructive impact to avoid future adverse consequences arising from material decay.

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

Please explain your answer:

Blanket controls for designated areas and buildings would be ill advised. The designation will reflect the special character of the local place or individual special characteristics of the building and the citing of antennae must be informed by the preservation of the local special characteristic.

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

Not Answered

If you disagree, please explain why:

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

Please explain your answer:

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

Please explain your answer:

The unique special characteristics of designated areas and buildings mitigates against blanket limits or requirements. Parsing the difference between dwelling houses and other buildings is redundant and use class is not permanent, particularly for non-dwelling types.

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

No

If you disagree, please explain why:

Paragraph 4 of Article 57 of EU Directive 2018/1972 suggests that existing public infrastructure should be the first option for the siting of small-area wireless access points and therefor extending PDR to buildings would appear to undermine this intention.

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

No

Answer:

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

No

If you disagree, please explain why:

The purpose of planning permission in designated areas is not to prevent development but to ensure the special characteristics are maintained. PDR for further infrastructure undermines the designation.

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

No

If you disagree, please explain why:

Given the potential negative impact upon designated areas arising, planning permission should be required to allow the planning authority, local community and amenity bodies to assess the potential impact. The process itself may encourage the telecommunication provider to consider alternative locations within the designated area where impact is minimal.

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

No

If you disagree, please explain why and give your views on what limits should apply in which areas:

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

No

If you disagree, please explain why:

The purpose of planning permission in designated areas is not to prevent development but to ensure the special characteristics are maintained. PDR for further infrastructure undermines the designation and could result in avoidable damage to a building.

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

No

If you disagree, please explain why:

Given the potential negative impact upon designated buildings arising, planning permission should be required to allow the planning authority, local community and amenity bodies to assess the potential impact. The process itself may encourage the telecommunication provider to consider alternative locations within the designated area where impact is minimal.

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

No

If you disagree, please explain why:

Given the potential negative impact upon designated buildings arising, planning permission should be required to allow the planning authority, local community and amenity bodies to assess the potential impact. Permitting other apparatus in addition to those under review may have a cumulatively negative impact upon designated areas, only planning permission can facilitate a holistic understanding of the designated area.

The process itself may encourage the telecommunication provider to consider alternative locations within the designated area where impact is minimal.

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

Yes

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

It should not have PDR.

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

Not Answered

If you disagree, please explain why:

26 In which designated areas do you consider that PDR for underground development could be extended?

Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended:

PDR for underground development will always be contingent up the planning authority being resourced with sufficient archaeological expertise to inform the decision. How can the Scottish Government ensure a) the expertise exists, and b) it is adequately resourced to respond to prior notification within the timescales set out?

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

Please explain your answer:

It should only be extended where the expertise exists and is adequately resourced to respind within the timescales set out by Scottish Government.

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

Not Answered

Additional comments:

It is worth observing that certain types of historic infrastructure are deemed part of the special historic character of Scotland's places - phone boxes, post boxes, police boxes, lamp posts, drinking fountains, electrical junction boxes, historic tram infrastructure are all cherished parts of the historic environment. But what these have in common is the attention given to the design themselves, their attractive form as well as their utilitarian function. The contemporary telecommunications industry has not risen to the the challenge by proposing positive additions to our streetscape.

There is also a notable absence in an overarching strategy in how necessary infrastructure is delivered to create good places. The integration of street lighting with telecommunications for instance does not appear to be explored.

And is it in the spirit of the Place Principle to require more thought about the position of infrastructure within designated areas than without? Why are non designated areas not afforded the same dignity? As there is a correlation between areas of higher income and designated areas the Scottish Government may wish to reflect on whether or not the PDR extension disproportionately impacts upon already disadvantaged communities.

Agricultural Developments

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

No

If you do not agree please explain why. :

This is a significant increase in size for which no empirical rationale has been provided. Farming methods have changed in the preceding decades but why has 1000sqm been proposed? The significant change has not been subject to any wider public testing for responses to visual impact. Further, the increased size has implications for the additional proposal to allow PDR for the conversion of agricultural buildings to residential use in 10 years time.

Combined, these create a long term estate strategy for land owners seeking to maximise income stream post 2030.

No SEA has been undertaken to model the long term impact.

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

Not Answered

If you do not agree please explain why.:

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

No

Please explain your answer.:

See answer to Q29.

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

Not Answered

If you do not agree please explain why.:

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

No

If you do not agree please explain why.:

10 years is a very short period in terms of land ownership and management. It may instead act as an incentive for landowners to identify future income streams through the regular use of PDR to design and construct agricultural buildings that can be easily converted for residential use 10 years hence. It would not control the hazard identified in the SEA of "the uncontrolled development of converted sheds."

This could very effectively undermine the plan led system.

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

No

If you do not agree please explain why.:

The proposal could result in the reuse of existing stock with benefits arising for both cultural heritage and embodied carbon.

However, no evidence is presented to suggest that existing planning requirements are currently preventing the reuse of agricultural buildings therefore the projected result of rural repopulation is merely speculative. No evidence has been provided on the quantity or spread of the agricultural building stock available for reuse which would enable wider analysis of impacts on health, education and transport needs. Conversion to residential use does not necessarily equal permanent dwellings as they could also provide income as holiday accommodation. How does this proposal relate to these attendant agendas?

The impact on this proposal on areas within commuting distance of large settlements is different from that of Caithness. Neither appear to have been sufficiently evaluated in the SEA.

Retaining existing planning permission means that wider issues, germane to the locality, will be taken in to proper account.

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

No

If you do not agree please explain why.:

See Q34

38 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

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

No

If you do not agree please explain why.:

10 years is a very short period in terms of land ownership and management. It may instead act as an incentive for landowners to identify future income streams through the regular use of PDR to design and construct agricultural buildings that can be easily converted for residential use 10 years hence. It would not control the hazard identified in the SEA of "the uncontrolled development of converted sheds."

This could very effectively undermine the plan led system.

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

44 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

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

Not Answered

If you do not agree please explain why.:

Development Related to Active Travel

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

Yes

If you disagree please explain why:

However we note that some local authorities are already accepting bike sheds of the following slightly larger dimensions: 1.5m height, 2.5m width, 1.2m depth.

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

Yes

If you disagree please explain why:

However we note that some local authorities are already accepting bike sheds of the following slightly larger dimensions: 1.5m height, 2.5m width, 1.2m depth.

62 Should such an extension to PDR be subject to a restriction on materials?

Yes

Please explain your answer:

It should be at the discretion of the planning authority to require material and colour palette.

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

Not Answered

If you do not agree please explain why:

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

No

Please explain your answer:

This needs more careful consideration given that some flats have private gardens that are directly adjacent to flats under different ownership and the PDR could result in neighbour conflicts.

The Edinburgh Colony flats for instance, where an upper flat's garden has windows from a lower flat opening directly onto it: could the bike shed be positioned to obscure the lower part of the lower flat's window?

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

No

If you disagree, please explain why:

This proposal suggests an inadequate experience of the range of tenement flats in Scotland. It is not unusual to find tenement blocks with 18 flats, providing storage for 36 bikes in a back garden is going to have a negative impact upon amenity, both for the use of the back garden as greenspace and upon ground floor flats.

While in full support of improving support for active travel this measure needs further investigation and not rushed.

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

No

If you disagree, please explain why:

It is unclear from the proposal as to whether this includes designated areas and buildings. Siting of bike storage in conservation areas and within the setting and curtilage of listed buildings would require assessment.

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

Yes

If you disagree, please explain why:

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

Not Answered

If you disagree, please suggest alternatives:

From a visual amenity perspective, is an entire street of bike storage any different from a street of parked cars?

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

Not Answered

Please explain your answer:

Conservation areas vary greatly, as do the people who live in them. While one might embrace on street covered bike storage another may not. It is notable that the bike hangars installed in Edinburgh are not present in the New Town.

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

Please explain your answer:

SEA Post-adoption Statement Summary

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

Please give us your views on the update to the Sustainability Appraisal, but please don't simply repeat what any views you gave us in the November 2019 consultation as these have already been taken into account:

It does not sufficiently evaluate the proposals that are different from the 2019 SEA, specifically the 1000sqm agricultural PDR and the bike storage PDR.

Assessment of Impacts

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

Please give us your views on the partial and draft impact assessments undertaken on these draft proposals:

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

Please let us have any suggestions for where we might obtain additional information on the impacts of the proposals:

About you

74 What is your name?

Name:

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75 What is your email address?

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76 Are you responding as an individual or an organisation?

Organisation

77 What is your organisation?

Organisation:

Built Environment Forum Scotland

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

Publish response with name

79 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

80 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

81 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: