

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

[DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/22\)](#)

[LOCAL DEVELOPMENT PLANNING – REGULATIONS AND GUIDANCE CONSULTATION \(31/03/22\)](#)

[NEW REALITIES OF RETAIL AND E-COMMERCE IN SCOTLAND – CALL FOR VIEWS \(16/3/22\)](#)

[PERMITTED DEVELOPMENT RIGHTS \(PDR\) IN SCOTLAND – CONSULTATION ON PHASE 1 PROPOSALS \(12/11/2020\)](#)

BEFS Response:

BEFS welcomes this consultation on **Planning - permitted development rights review - phase 2** and is broadly supportive of plans and proposals intending to facilitate the move to net zero, recognising the role that PDR for electric vehicle charging infrastructure and change of use has to play. BEFS would note that any changes should be just and equitable, ensuring quality place-making and, where appropriate, aligning to Historic Environment Policy for Scotland (HEPS).

BEFS hope that where significant negative impact for cultural heritage has been assessed, the current protections will stand, with applications being necessary and decisions being made based on individual circumstances and appropriate interventions.

BEFS will be responding only to relevant questions of the consultation, as below:

### Part 2. Electric Vehicle Charging Infrastructure

**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

No

BEFS would caution that full removal of restrictions could have unintended consequences and supports the NTS in their response:

*'The current Class 9E(3) text states that "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...is not permitted within:*

*(a) a site of archaeological interest;*

*(b) a national scenic area;*

*(c) a historic garden or designed landscape;*

## Review of permitted development rights - phase 2 consultation

3rd/August/2022

- (d) a historic battlefield;
- (e) a conservation area;
- (f) a National Park; or
- (g) a World Heritage Site."

*This is probably too broad a control given the shift we need to make to a net zero society. However, the proposed relaxation may go too far.*

*We would recommend distinguishing between large landscape areas, where there will be many dwellings, such as National Scenic Areas, and smaller landscape areas where the cultural heritage may be more negatively effected, such as World Heritage Sites, Conservation Areas, or sites of archaeological interest.*

*Requiring developments in these areas to be subject to planning approval would allow local authorities to formulate and apply a consistent, low-impact approach to developments in these sensitive sites.'*

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

No

We consider that the current conditions are appropriate.

**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.

No.

The proposals here are considered to be too broad and could reduce opportunities to assess heritage impacts appropriately.

We would refer to the NTS comments on Q.3 below:

*'We recommend considering the different characteristics of these protected areas and the reasons for their protection. This class of development will have more material and visual impact on sensitive sites than Class 9(E) developments, and should therefore be treated with even greater sensitivity.'*

*We recommend these developments remain subject to planning approval in these sensitive landscapes. This will allow local authorities to formulate an appropriate and consistent approach to introducing charging upstands in highly sensitive locations.'*

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

No

We consider that the current conditions are appropriate.

## Review of permitted development rights - phase 2 consultation

3rd/August/2022

**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

No

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 may be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

Page | 3

**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.

Yes

However, within the existing exemptions, changes must where appropriate, align with and refer to the Historic Environment Policy for Scotland (HEPS). It is likely that in some cases 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.

**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.

N/A

**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.

Yes

However, whilst exemptions enable designated heritage to potentially be protected, BEFS remains concerned that just and equitable measures ensuring quality place-making may be over-ridden by suggested changes to PDRs; with incremental changes producing undesirable effects over the longer- term. BEFS is mindful of many potentially cumulative and incremental negative effects for the historic built environment, and our places more generally.

For the heritage sector (and more widely) any changes to PDRs will be about a balance being made; a balance between climactic, economic and social and heritage aspects; both through policy and practice. Appropriate assessment, and related training, will be integral for judgements to be made with accuracy and effectiveness.

**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.

No.

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 may be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

## Review of permitted development rights - phase 2 consultation

3rd/August/2022

**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.

N/A

**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.

N/A

**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.

N/A

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

N/A

**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.

N/A

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

N/A

**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.

N/A

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

Yes

However, within the existing exemptions, changes must, where appropriate, align with and refer to the Historic Environment Policy for Scotland (HEPS). It is likely that in some cases 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.

**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

Should permitted development rights be extended, measures need to be appropriate, ensuring quality place-making and, where relevant, aligned to the Historic Environment Policy for Scotland (HEPS). Further, in some cases assessing the impact on a sensitive designation may be best undertaken through a planning application which includes a visual impact assessment rather than through prior notification/approval.

### Part 3. Changes of Use in 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.

Yes.

BEFS strongly supports the continued use and re-use of existing buildings and agrees with the NTS that 'A combined use class could help building owners manage their properties more flexibly, keeping them in use. This would need to be balanced by considering any impacts on neighbours and on public amenity.'

**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.

N/A

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

Yes

BEFS would suggest that meanwhile use of existing buildings could be supported in this way. We would also refer to the RTPI's response to a previous consultation which remains pertinent:

#### **'Town Centres**

*...RTPI Scotland notes that successful town centre regeneration normally depends on proactive and collaborative policy making and implementation. There are many examples throughout Scotland where local authorities, communities and businesses have worked together on long term projects to improve the economic and social viability of town centres. Conservation Area Regeneration Schemes have often played an important role in these alliances. RTPI Scotland believes that applying wider PDRs generically to town centres could undermine such efforts, and result in more ad hoc and uncoordinated changes.*

*The Institute suggests that instead the possibility of introducing a 'town centres use class' to the Use Classes Order could be explored instead. This could sit well alongside work on how to most effectively regulate short term lets, and would give an opportunity to look in more detail at balancing flexibility for town centre occupants with proactive efforts to improve the sustainability of Scotland's town centres and high streets.*

**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

No

## Review of permitted development rights - phase 2 consultation

3rd/August/2022

BEFS supports the NTS response, in that *'this is to misunderstand the intention for Masterplan Consent Areas. From the Scottish Government's Policy Memorandum for the Planning Act 2019, which introduced Masterplan Consent Areas:*

*"They sit very well with the principles of masterplanning of an area, so delivering pre-approved consents for development that has already been carefully planned, and been subject to engagement with the community and statutory consultees."*

*And:*

*"Simplified development zones can support the delivery of LDP strategies and particular local priorities, by providing upfront approval of planning permission for development that has been subject to community consultation and so supporting investment in those planned developments. Linking to the LDP in this way can also allow efficiencies in assessment; for example by the strategic environmental assessment covering the issues the simplified development zone might raise."*

*And:*

*"The potential for benefits coming from the front-loading of planning permission can be expanded further in relation to the range of consents sometimes needed to be able to commence development; so bringing greater certainty to investors that their development can happen."*

*The intention of Masterplan Consent Areas is that the planning issues have been worked through in advance, applying all relevant protections, therefore giving confidence to developers and investors, not that planning protections are removed. Masterplan Consent Areas can include assets that have local and national protection, including listed buildings, Conservation Areas, and Green Belt areas.'*

**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.

Yes

However, any changes to PDRs will be about a balance being made; a balance between climactic, economic, social and heritage aspects; both through policy and practice.

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

N/A

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

N/A

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

BEFS welcomes and strongly reinforces sections 3.8 and 3.9 which note that *'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.'*

We refer to our comments on the draft NPF4 here: [DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/22\)](#)

Also, that any changes must be *'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.'*

## Review of permitted development rights - phase 2 consultation

3rd/August/2022

BEFS hope that where significant negative impact for cultural heritage have been assessed, the current protections will stand, with applications being necessary and decisions being made based on individual circumstances and appropriate interventions.

Permitted development rights measures and conditions need to be just and equitable, ensuring quality place-making and, where appropriate, aligned to the Historic Environment Policy for Scotland (HEPS).

Page | 7

**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?**

N/A

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

N/A

**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.**

N/A

**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.**

Yes

**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.**

Yes

As above, BEFS welcomes and strongly reinforces sections 3.8 and 3.9 which note that *'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.'*

We refer to our comments on the draft NPF4 here: [DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/22\)](#)

BEFS also notes that the purpose of planning permission in designated areas is not to prevent development but to ensure the special characteristics are maintained.

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

BEFS would suggest that meanwhile use of existing buildings could support regeneration and endorses the NTS suggestions for:

- *Temporary uses of buildings, including time-limited changes of use.*
- *Managing town centres with a view to a mix of uses, including residential amenity, can help sustain activity.*

**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?**

Yes

BEFS would highlight the NTS view that:

*'In relation to Permitted Development Rights for electrical charging infrastructure, we would recommend gathering views on the potential impacts on particularly sensitive landscapes, such as World Heritage Sites, Conservation Areas, and archaeological sites.*

*For instance, the Old and New Towns of Edinburgh World Heritage Site plan notes: "What is now referred to as the 'public realm' was constructed to an extremely high standard in Edinburgh, although this quality was eroded to some extent in the second half of the last century. Carriageways, kerbs, pavements, footpaths, closes and wynds, boundary walls, railings, gatepiers, street signs, lamp posts, some historic bollards, and police boxes and other street furniture were either there from the beginning or were, for the most part, sensitively added as the materials became available or circumstances demanded an intervention."*

*The Edinburgh Urban Design Panel gives advice on how new developments can maintain the quality of the public realm.*

*The English Heritage report "Heritage at Risk: Conservation Areas" explains how "small changes to things like doors, windows, roofs and fences, which, unchecked, lead to slow but irreversible decline" in the qualities of a Conservation Area. Permitted Development Rights for electrical charging infrastructure should therefore be assessed for their impact on Conservation Area qualities.*

*Finally, archaeological sites are vulnerable both in terms of cultural value and amenity. Installation of charging infrastructure will require excavation for cabling. The Historic Environment Scotland document "Scotland's Scheduled Monuments" sets out the protections for Scheduled Monuments.'*

Further BEFS considers it is worth noting that whilst certain types of historic infrastructure are part of the special historic character of Scotland's places, there is a notable absence in an overarching strategy in how necessary infrastructure is delivered to create good places both in designated areas, and outwith. 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 changes disproportionately impact upon already disadvantaged communities.

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BEFS responses to a number of Consultations in relation to the Built Environment can be found at:

<https://www.befs.org.uk/resources/consultations/>

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## Review of permitted development rights - phase 2 consultation

3rd/August/2022

Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)

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

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**

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**