

# **Pausing Permitted Development Rights 3 – in relation to Conservation Areas – July 2024**

## **Information briefing**

### **Urgent request:**

The Conservation Officer Group (COG) requests a pause to the implementation of phase 3 of Permitted Development Rights (PDR) in relation to Conservation Areas (as adopted on the 24<sup>th</sup> May) by 6 – 12 months in light of significant challenges highlighted by the group, noting the serious economic and place-impacting unintended consequences of these amendments in relation to Conservation Areas.

### **Rationale to pause implementation:**

- Related pending legislation is not yet in place, e.g. Heat in Buildings Bill and EPC review – these all have the potential to interact with PDR3. COG would highlight importance of joined up thinking across the wider legislative and policy landscape.
- The undermining of previous investment (over £234M in 15years), the risk to current projects, and the detriment to future financing has the potential to dramatically damage places across Scotland and attract significant negative public interest.
- These amendments relate to a relatively small number of previously protected homes, however the *wider implications and impacts* are still considerable. As a guide, COG would note the example of two Conservation Areas in East Lothian; a small village conservation area has 64% unlisted buildings and a larger whole village CA has 86% unlisted buildings.
- There are concerns that after adoption any initial and immediate impact may go unnoticed, however the impending incremental change will result in significant loss of place distinctiveness impacting on Scotland's tourism and creative industries.

COG appreciates the underlying good intentions of PDR but hopes that the concerns outlined in detail below can be given due weight and due consideration.

### **Areas of concern in detail:**

#### **Previous/future investment**

- Loss of positive gains achieved through previous investment of public funds via grants/government fundings/LA investment etc, leading to a waste of previous public spend on decades of work to conserving the character and appearance of Conservation Areas. Permitted Development 3 in relation to Conservation Areas has huge potential to undermine this investment.
- This spend is including but not limited to investment via Historic Environment Scotland, National Heritage Lottery Fund, Scottish Government, local planning authorities and the Common Good Fund. [The sum invested since 2007 stands at over £234M.](#)
- There is a need to both protect prior spend, prevent uncertainty in relation to 'live' ongoing projects, and enable leveraging of future spend in this area; PDR3 changes for Conservation Areas threaten this current and future investment.
- COG notes the associated effect on traditional skills and trades such as window manufacturers and joiners. The impending PDR changes will negatively affect the market, with job and training opportunities predicted to decline further, directly countering the efforts towards increased traditional skills and trades via the heritage sector's [Skills Investment Plan \(SIP\)](#). The public funds already invested in this area will be largely negated.

#### **Capacity and resourcing**

- There are around 670 Conservation Areas in Scotland\*.
- Historic environment expertise is limited within some councils, and so additional time and research may be needed to make these new decisions. One large local planning authority has processed 210 window applications in the year 2023-2024 – across Scotland we are talking about significant numbers of decisions.

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- Local authority planning is recognised to be under resourced, as is demonstrated within [this RTP1 paper](#). Permitted development, whilst intended as a timesaving and streamlining tool has, in this case, the potential to put extra burdens on planners with a huge influx of planning enquiries. PDR3 in relation to Conservation Areas currently contradicts individual Local Planning Authority guidance, which would need time to be effectively reworked. Guidance is needed to ensure appropriate steps are understood across all of these 670 Conservation Areas.
- Research on Conservation Area Management Plans and appraisals show around 54% have a Management Plan and this increases to 64% which have appraisals/management plans/statements in place\*. These are expected as part of the process in updating Article 4 (a mechanism being considered by many LPAs to ensure better protections and conservation principles than PDR3 would provide).  
Many of these Conservation Area plans and assessments were within scheduled workstreams as part of new Local Development Plan procedures (ongoing within many LPAs) and cannot be effectively resourced within the timeframe now presented.
- The previous work of managing change and protecting the character of Conservation Areas will be severely compromised, with confusion regarding what is captured by Permitted Development vs existing Listed Building Consent and Conservation Areas consent/statutory process.
- The suggested Prior notification process with a 28-day turnaround is too short a timeframe given the volume/pipeline predicted.
- The amount of information requested within the process is not currently enough to make a decision with prior notification.
- Clarity is needed for Local Planning Authorities: guidance is needed on what PDR3 changes mean for current enforcement cases and applications that are already submitted. The guidance released on 28<sup>th</sup> May 2024 has been considered and does not alleviate the concerns raised above.

\*Data around CAs from presentations given at the 2022 Conservation Areas Seminar – slides for the full event found here: <https://www.befs.org.uk/wp-content/uploads/2022/10/CA-slides-and-questions-for-circulation.pdf>

### **Tourism/Scotland's places**

- 'Distinctive Scotland' is identified by Visit Scotland as one of four key trending drivers of tourism opportunities. The economic benefit of tourism is well understood for Scotland, with recent figuring showing 4M overseas tourists visited in 2023, many also providing a record spend and proving a growth area.
- Screen Scotland research shows that the most recent estimate of the economic value of media production expenditure across Scotland was £617.4M in 2021. This includes 91,000 overnight screen tourists in 2021 with £56.8M of total spend.
- Changes to Permitted Development Rights within Conservation Areas could easily result in less desirable destinations and threaten this economic driver.

Examples: replacements which require 'the same' in appearance, is not the same in effect and in place specificity. Please see image and description below to see the effects of PDR3 in reality.

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Image above of typical Glasgow West End unlisted tenement as an example scenario:

*Middle and bottom left windows could be replaced under PDR3 with UPVC double glazing (Prior Notification/Approval would allow to check dimensions and astragals, method of opening, colour etc). However, right side windows – due to the wording and ‘existing’ in PDR3 as opposed to ‘original’ means in that inappropriate UPVC fittings could be replaced to match, with no need for consent or opportunity for incremental conservation betterment.*

- Currently only World Heritage Sites are mentioned as ‘protected’ within these PDR3 changes. This, in an urban context, is very specific to some locations, primarily Edinburgh. This does not support good placemaking across Scotland.
- The setting (adjacent or nearby) of any Listed building within a Conservation Area will be affected by a diminishment caused by the ability to use poor quality non-traditional windows in the conservation area.
- COG considers it critical to ensure that these places are both protecting prior investment, leveraging more regeneration spend; and supporting the specificity and variety of place character which is the keystone of Scotland’s tourism economy.

### **Climate change impacts *and* health impacts**

- Permitted Development is intended to be climate positive, but some of these solutions can seem a quick fix for perceived EPC gain (reassessment still ongoing) and not reflective of wider carbon considerations. For example [research into wooden windows has shown them to be a better solution for carbon and climate](#). This research helps to show how positive planning decisions help to support the wider purpose of planning, which works for the *long-term public interest*.
- Enabling increased use of UPVC windows goes against wider climate and circular economy agendas also being pursued by the Scottish Government.
- Use of inappropriate materials within traditional buildings affects health and wellbeing; through potential use of inappropriate materials, combinations can occur which can lead to damp and unhealthy conditions for the occupant, and poor indoor air quality.