

## **Response ID ANON-KJYR-RUR8-H**

### **Submitted to Review of permitted development rights - phase 2 consultation**

**Submitted on 2022-08-02 14:47:02**

#### **Introduction**

#### **Questions 1-2: Wall Mounted EV Chargers**

**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)?**

Not Answered

#### **Please explain your answer:**

The SA identifies potential for significant negative effects on cultural heritage assets and their settings, and recommends that limiting the changes to existing off-street parking areas will localise and minimise any adverse effects on cultural heritage.

We consider that the proposal is most likely to affect Conservation Areas, World Heritage Sites, non-designated buildings, and the setting of historic environment assets.

We agree that restriction of this PDR to existing off-road parking areas will limit effects to some extent. However, particularly in urban areas, there is still a likelihood of negative effects. In view of this, if the proposal is taken forward, we recommend that best practice guidance and use of the Prior Notification / Prior Approval are employed to mitigate effects further. We recommend that Historic Environment Scotland should be involved in the development of any best guidance brought forward.

**Q2 Should the conditions regarding nameplates be withdrawn from Class 9E on wall-mounted EV charging outlets?**

Not Answered

#### **Please explain your answer:**

The SA identifies potential for significant negative effects on cultural heritage assets and their settings, and recommends that limiting the changes to existing off-street parking areas will localise and minimise any adverse effects on cultural heritage. We note that the use of Article 4 directions is also suggested as a mitigation measure. We agree that this could be an effective mitigation measure where implemented. However, this would also require pro-active approach on part of local planning authorities to identify and implement such directions. Use of this mitigation may therefore depend on the resources of individual planning authorities, potentially leading to inconsistencies in mitigation across the country.

We consider that the proposal is most likely to affect Conservation Areas, World Heritage Sites, and the setting of historic environment assets. We agree that restriction of this PDR to existing off-road parking areas will limit effects to some extent. However, particularly in urban areas, there is still a likelihood of negative effects. In view of this, if the proposal is taken forward, we recommend that Scottish Government best practice guidance and use of the Prior Notification / Prior Approval are employed to mitigate effects further. We recommend that Historic Environment Scotland should be involved in the development of any best guidance brought forward by Scottish Government on this topic.

### **Questions 3-10: EV Charging Upstands**

#### **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)?**

Not Answered

#### **Please explain your answer:**

The SA identifies potential for significant negative effects on cultural heritage assets and their settings, and recommends that limiting the changes to existing off-street parking areas will localise and minimise any adverse effects on cultural heritage. We note that the use of Article 4 directions is also suggested as a mitigation measure. We agree that this could be an effective mitigation measure where implemented. However, this would also require pro-active approach on part of local planning authorities to identify and implement such directions. Use of this mitigation may therefore depend on the resources of individual planning authorities, potentially leading to inconsistencies in mitigation across the country.

We consider that the proposal is most likely to affect Conservation Areas, World Heritage Sites, and the setting of historic environment assets. We agree that restriction of this PDR to existing off-road parking areas will limit effects to some extent. However, particularly in urban areas, there is still a likelihood of negative effects. In view of this, if the proposal is taken forward, we recommend that Scottish Government best practice guidance and use of the Prior Notification / Prior Approval are employed to mitigate effects further. We recommend that Historic Environment Scotland should be involved in the development of any best guidance brought forward by Scottish Government on this topic.

#### **Q4 Should the conditions regarding nameplates be withdrawn from Class 9F on EV charging upstands?**

Not Answered

#### **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?**

Not Answered

**Please explain your answer:**

We consider that this proposal, in conjunction with that discussed at Q3, has the potential for cumulatively negative effects on the historic environment, and is most likely to affect Conservation Areas, WHS, and setting of HE assets. In view of this, if the proposal is taken forward, we recommend that, Scottish Government best practice guidance and use of the Prior Notification / Prior Approval are employed to mitigate effects further. We recommend that Historic Environment Scotland should be involved in the development of any best guidance brought forward by Scottish Government on this topic.

**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?**

Not Answered

**Please explain your answer:**

The SA identifies 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 Designated Areas.

We agree with these findings, and with the view that that excluding Designated Areas will reduce effects to some extent. However, you should be aware that this measure doesn't effectively mitigate potential negative effects on the setting of designated or non-designated historic environment assets.

In view of this, we recommend that you include 'the setting of scheduled monuments and listed buildings' within the list of Designated Areas, in conjunction with Scottish Government best practice guidance. You could additionally consider the use of Prior Notification / Prior Approval outside of Designated Areas, to mitigate effects on the setting of non-designated historic environment assets.

**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?**

Not Answered

**Please explain your answer:**

The SA identifies 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 Designated Areas.

We agree with these findings, and with the view that that excluding Designated Areas will reduce effects to some extent. However, you should be aware that this measure doesn't effectively mitigate potential negative effects on the setting of designated or non-designated historic environment assets.

In view of this, we recommend that you include ‘the setting of scheduled monuments and listed buildings’ within the list of Designated Areas, in conjunction with Scottish Government best practice guidance. You could additionally consider the use of Prior Notification / Prior Approval outside of Designated Areas, to mitigate effects on the setting of non-designated historic environment assets.

**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?**

No

**Please explain your answer:**

The current list doesn’t effectively mitigate potential negative effects on the setting of historic environment assets. In view of this, we recommend that you include ‘the setting of scheduled monuments and listed buildings’ within the list of Designated Areas.

**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?**

Not Answered

**Please explain your answer:**

We consider that without a height limit, there would be increased potential for negative effects as a result of the changes proposed at Q6.

**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?**

Not Answered

**Please explain your answer:**

We consider that without this restriction, there would be increased potential for negative effects as a result of the changes proposed at Q6 and Q7

**Questions 11-16: On-street/Kerbside Charging**

**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?**

Not Answered

**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?**

Not Answered

**Please explain your answer:**

**Q13 Should PDR for EV charging infrastructure in roads apply to parties other than local authorities?**

Not Answered

**Please explain your answer:**

The SA finds that extending PDR to allow development of on-street chargers has potential to create negative effects on heritage assets and their settings. We agree that this proposal is likely to result in increase in this type of development in all areas. There are also likely to be negative cumulative effects when this and other proposals are combined.

The SA finds that that excluding designated areas will minimise effects. We agree that excluding Designated Areas will reduce effects to some extent. However, you should be aware that this measure doesn't effectively mitigate potential negative effects on the setting of designated or non-designated historic environment assets.

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

Not Answered

**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:**

We agree that the proposal to restrict PDR for EV charging infrastructure in roads will go some way to mitigate effects on the historic environment, provided that you include 'the setting of scheduled monuments and listed buildings' within the list of Designated Areas. We recommend that there is also Scottish Government best practice guidance on this topic. You could additionally consider the use of Prior Notification / Prior Approval outside of Designated Areas, to mitigate effects on the setting of non-designated historic environment assets.

**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:**

**Questions 17-18: Existing Petrol Stations**

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

Not Answered

**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:**

The SA finds that no significant effects likely for the historic environment, and we agree with that view.

**Questions 19-22: Use Classes Order**

**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?**

Not Answered

**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.:**

The SA finds that a more flexible approach to changes of use should help minimise the risk of premises falling vacant or becoming derelict, with direct impacts on historic buildings and the character and quality of historic townscapes. At the same time, it is possible that physical works would be needed to allow many of the changes in use being considered. This could have a physical impact on individual buildings as well as impacting on the wider townscape.

We agree with these findings, and consider that the proposals are most likely to affect Conservation Areas, urban World Heritage Sites and nondesignated buildings, through the physical changes needed to achieve change of use. Of these, most are likely to be interior and signage changes, but may in some Conservation Areas involve more significant external changes. We agree therefore that there are potential significant mixed effects and cumulative effects on cultural heritage.

In view of this, we recommend Scottish Government best practice guidance on this topic. You could additionally consider the use of restrictions in Conservation Areas and World Heritage Sites, and / or the use of Prior Notification / Prior Approval.

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

Not Answered

**Please explain your answer:**

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

Not Answered

**Please explain your answer:**

We consider that MCAs offer the opportunity for a nuanced, place-specific approach to determining what is appropriate development in an area.

**Questions 23-26: Workspaces**

**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?**

Not Answered

The SA finds that mixed significant effects were noted on cultural heritage reflecting the positive role of keeping historic buildings in use, but the potential negative impacts from physical changes to buildings. We agree with these findings, and consider that the proposals are most likely to affect Conservation Areas, urban World Heritage Sites and non-designated buildings, through the physical changes needed to achieve change of use. Of these, most are likely to be interior and signage changes, but may in some Conservation Areas involve more significant external changes. We agree therefore that there are potential significant mixed effects and cumulative effects on cultural heritage.

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

**Please explain your answer:**

Potential effects could be mitigated by restricting the proposal to existing class 1 (shops) 2 (financial), 3 (food and drink), 5 (general industrial) and 6 (storage and distribution) as these are less likely to result in the need for physical changes.

**Q25 Would 300 square metres be an appropriate maximum floorspace limit?**

Not Answered

**Please explain your answer:**

**Q26 What (if any) additional conditions or limitations should such a PDR be subject to?**

**Please explain your answer:**

We recommend Scottish Government best practice guidance on this topic. You could additionally consider the use of restrictions in Conservation Areas and World Heritage Sites, and / or the use of Prior Notification / Prior Approval.

**Questions 27-30: Moveable Outdoor Furniture**

**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?**

Not Answered

**Please explain your answer:**

The SA finds that this proposal has potential for negative effects on the setting of designated and undesignated cultural and historic assets if furniture is placed insensitively.

We agree and consider this is most likely to affect Conservation Areas, World Heritage Sites, and the setting of historic environment assets.

**Q28 Are there any conditions or limitations that you think such a PDR should be subject to?**

Not Answered

**Please explain your answer:**

The SA suggests mitigating these effects through prior notification/prior approval within specified locations, including conservation areas. We consider this should be extended to include World Heritage Sites and the setting of scheduled monuments and listed buildings, in conjunction with Scottish Government best practice guidance on this topic.

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

Not Answered

**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?**

Not Answered

**Please explain your answer:**

**Questions 31-32: Residential Accommodation**

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

Not Answered

**Please explain your answer:**

We consider that significant effects for the historic environment as a result of this proposal are not likely.

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

Not Answered

**Please explain your answer:**



### **Questions 33-36: Ports**

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

Not Answered

**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:**

We note that no environmental assessment has yet been undertaken in relation to these proposals. We currently have no view on the likely effects on the historic environment, due to the uncertainty presented in the consultation relating to the developments/activities that would be permitted which are not currently.

In view of this, we consider that it would be appropriate to undertake environmental assessment and further consultation once more detail on the practical nature of changes has been gathered from this consultation.

**Q35 Do you think there is potential to widen the scope of Class 35 PDR further?**

Not Answered

**Please explain your answer:**

**Q36 Do you agree that MCA could be a useful tool to provide more extensive planning freedoms and flexibilities in Scotland's ports?**

Not Answered

**Please explain your answer:**

We consider that MCAs offer the opportunity for a nuanced, place-specific approach to determining what is appropriate development in an area.

### **Q37-39: Assessments**

**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)**

**Please explain your views:**

We have no general comments on the Update, other than to welcome the clear way in which previous findings of the 2019 SA and new findings have been set out in this iteration of the Update. Our views on specific findings are expressed in our comments on individual proposals set out in this consultation.

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

Not Answered

**Please explain your answer:**

**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?**

Not Answered

**Please explain your answer:**

**About you**

**What is your name?**

Name:

Virginia Sharp

**What is your email address?**

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**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

Organisation:

Historic Environment Scotland

**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