

## Response ID ANON-1FA5-8J19-S

Submitted to Scottish Government Review of Permitted Development Rights - Phase 3  
Submitted on 2023-08-23 22:39:34

### 2.1 Domestic Renewables: Solar energy equipment

1 Do you agree with the proposed permitted development rights for solar panels attached to domestic properties in conservation areas?

Yes

Please comment in support of your answer:

With the caveat that some buildings will have no rear elevation that is significantly less impactful on the character or appearance of a conservation area than are sides or fronts.

2 Do you agree with the proposed permitted development rights for the installation of solar panels on outbuildings ancillary to, and within the curtilage of, a dwellinghouse?

Yes

Please comment in support of your answer:

Panels protruding up to 1m from a wall or roof could be very harmful. We advocate use of the '200mm from wall or pitched roof and 500mm from a flat roof' (as set out for outbuildings currently) in all situations to minimise harm and provide a consistent approach.

A condition should we recommend require panels to be black with black frames, or frameless, to minimise impact in locations that may well be highly visible.

### 2.2 Domestic Renewables: Air source heat pumps

3 Do you agree with the proposed amendments to permitted development rights for air source heat pumps?

Don't know

Please comment in support of your answer:

Yes, we agree one ASHP per dwelling, rather than one per building, given the circumstances of a typical tenement.

No: but removing the requirement that an ASHP installation in a conservation area be at ground level will make these elements much more intrusive, like air conditioning systems, and will have an impact that can best be managed by normal planning permission.

### 2.3 Domestic Renewables: Ground and water source heat pumps

4 Do you agree that classes 6D and 6E should be amended to include reference to the installation etc of pipework and associated connections required to operate a ground or water source heat pump?

Yes

Please comment in support of your answer:

### 2.4 Domestic Renewables: Free-standing wind turbines

5 Do you agree with the proposed amendments to permitted development rights for free-standing domestic wind turbines?

Don't know

Please comment in support of your answer:

Not sure: the amendments will drive the erection of larger turbines than may be necessary (one per property, no blade below 5m above ground) and exclude traditional uses such as wind pumps. The 100 m curtilage rule effectively means they are excluded from urban locations unless planning permission is sought.

6 Do you agree with the current list of designated areas where the permitted development rights do not apply, noting that the list does not currently include national parks or National Scenic Areas?

Yes

Please comment in support of your answer:

Yes. National Parks and National Scenic Areas cover large swathes of territory and may contain more precise, and appropriately safeguarded designations within them. However sites in the Inventories of Historic Gardens and Designed Landscapes, and of Battlefields, should be added for their proper protection.

## 2.5 Domestic Renewables: Wind turbines attached to a dwelling

7 Do you agree with the proposed new permitted development rights for wall or roof-mounted wind turbines attached to a dwellinghouse?

Yes

Please comment in support of your answer:

Yes. There should be the option where appropriate to fix the turbine to an outbuilding instead of the dwelling house. In most urban situations with shared buildings planning permission will still be expected.

## 2.6 Domestic Renewables: Flues for certain heating systems

8 Do you have any comments on the potential removal of permitted development rights for flues for wood burning stoves (including wood burners and log burners), biomass boilers and biomass heating systems?

Don't know

Please comment in support of your answer:

No comment regarding amenity of flues. Their impact on conservation areas is minimal.

The Scottish Government has mapped urban and rural locations, with a 3,000 population cut off between the two  
<https://www.gov.scot/publications/scottish-government-urban-rural-classification-2020/pages/2/>

9 Noting that current permitted development rights (PDR) cover the installation, alteration or replacement of flues, should any removal of these PDR be limited to installation of new flues, or also prevent existing flues being altered or replaced under PDR?

Please comment:

Existing flues should be altered or replaced under PDR

## 3.1 Non-Domestic Renewables: Solar panels

10 Do you agree with the proposed amendments to class 6j permitted development rights for solar panels attached to non-domestic buildings?

Yes

Please comment in support of your answer:

It will sometimes be the case that all elevations of a building in a conservation area are principal

11 Do you have any comments on the potential to amend the current restrictions that apply to solar panels on non-domestic properties (class 6j) and solar canopies in parking areas (class 9M) within 3km of airports and technical sites associated with civilian and military air traffic services?

No

Please comment in support of your answer:

12 Do you agree with the proposed new permitted development rights for solar panels within the curtilage of non-domestic buildings?

Yes

Please comment in support of your answer:

## 3.2 Non-Domestic Renewables: Solar canopies in parking areas

13 Do you agree with the proposal to extend the Class 9M permitted development rights to allow these to apply to solar canopies generally, rather than only those for which the primary use is charging of electric vehicle?

Yes

Please comment in support of your answer:

14 Do you agree that any extension of Class 9M permitted development rights to be for the purposes of producing electric power generally, should not have a maximum power generation capacity?

Yes

Please comment in support of your answer:

### 3.3 Non-Domestic Renewables: Air source heat pumps

15 Do you agree with the proposed permitted development right for air source heat pumps on non-domestic buildings?

Yes

Please comment in support of your answer:

In the case of ASHPs attached to buildings: if it is attached to a rear or side elevation (or a rear elevation in a conservation area, adding, if a rear elevation exists that does not contribute positively to the character of the conservation area.)

### 3.4 Non-Domestic Renewables: Ground source and water source heat pumps

16 Do you agree with our proposed amendments to class 6I permitted development rights for ground and water source heat pumps on non-domestic buildings?

Yes

Please comment in support of your answer:

IHBC has no concerns about Ground and Water-source heat pumps which are demonstrably suitable for use in the curtilage of listed buildings, World Heritage Sites, (e.g. New Lanark), and historic garden / designed landscapes (e.g. Castle Howard)

These developments should not of course be permitted within a site of archaeological interest without archaeological oversight, and those World Heritage sites that number archaeology among their OUV (Outstanding Universal Value).

There should be no cap on output. The word "not" has presumably been omitted.

## 4. Thermal Efficiency: Replacement windows

17 Do you agree with the proposed permitted development rights for replacement windows of domestic buildings located in conservation areas?

No

Please comment in support of your answer:

Windows are defining elements in the majority of conservation areas. The expectation that planning authorities that are obliged (like Ministers) to defend their character and appearance will just have to resort again to renewal of Article 4 Directions in the face of this new threat will lead to bureaucratic burdens, double negatives, and a lack of clarity for all. PDR will undermine the good work and public investment (by householders, councils, HES and NLHF) that has been delivered at many conservation areas. Any historic (already 90 years+ old) timber windows will with appropriate maintenance have a longer lifespan ahead of them than any proposed short-life replacement now to be uncontrolled as permitted development. Oil-based plastic windows, with complicated and irreparable steel cores, actively exacerbate climate change and do little or nothing to deliver the thermal efficiencies claimed for them, and the visual harm they do is evident across Scotland outside the 450 places lucky to have secured conservation area designation.

18 Do you have any comments on the conditions that we propose the permitted development rights for replacement windows would be subject to?

Yes

Please comment in support of your answer:

PDR does not apply in World Heritage Sites - this unfairly discriminates in favour of part of Edinburgh to the detriment of the rest of Scotland's conservation areas.

for windows situated on the front elevation of the building, or side elevation fronting a road, the PDR would only apply if the replacement window matches the existing window with respect to:

its opening mechanism- yes

the dimensions and colour of its frame and astragals - Dimensions, yes, but colours can often be changed to the benefit of the character of many conservation areas. Uniform colour need only be required where the Character Appraisal of that CA says so.

the number, orientation and colour of panes: The colour of a pane of glass need not be controlled, but the other aspects do indeed contribute to the character of conservation areas. Please combine the last two conditions into: "number, material, orientation and dimensions of its frame and astragals".

19 Do you agree with the proposal to align non-domestic buildings with domestic buildings, as regards permitted development rights for replacement windows? Are there any types of non-domestic building that should be excluded?

Yes

Please comment in support of your answer:

They should be treated equally

### 5.1 Electricity Undertakings: Overview

20 Do you agree that class 40 permitted development rights should be amended to clarify that they can be applied by statutory undertakers for the purposes of 'smart meter communications' and the 'distribution' and 'interconnection' of electricity as well as its 'generation', 'transmission' and 'supply'?

Yes

Please comment in support of your answer:

### 5.4 Electricity Undertakings: Substation infrastructure

21 Do you agree with the proposed amendments to the provisions of class 40 permitted development rights which relate to new or replacement substations?

No

Please comment in support of your answer:

A 45 cubic metre substation can best be handled, mitigated and if need be disguised through the planning system. Some substations have in the past been cleverly accommodated in existing buildings- factories former churches etc. This would be especially desirable when seeking sites within conservation areas.

### 5.5 Electricity Undertakings: Communications Lines

22 Do you agree with the proposal to allow the replacement of communications lines in National Scenic Areas and Sites of Special Scientific Interest under class 40 permitted development rights provided that the design, height or position of the replacement line matches the original?

No

Please comment in support of your answer:

Planning authorities should be expected to engage with installers over securing improvements to communication lines in these very special places rather than have PDR ossify their appearance as they are.

23 Do you have any thoughts on the potential to provide for the installation or replacement of communications lines of a greater length than 1,000m under class 40? If so, do you have a view on an appropriate alternative threshold?

No

Please comment in support of your answer:

### 5.6 Electricity Undertakings: Site Investigation Works

24 Do you agree with the proposal to extend the range of site investigation works that can be carried out under class 40?

Don't know

Please comment in support of your answer:

Please take heed of the views of our counterparts in the archaeological community regarding impacts and mitigation.

25 Do you consider that there are any designated areas where permitted development rights for certain site investigation works should be restricted? Should there be any limitations on the scale of certain intrusive site investigation works permitted, for example, the size of trial pits?

Yes

Please comment:

Scheduled monuments and locations identified as having archaeological potential

### 5.7 Electricity Undertakings: Fences, gates, walls and other means of enclosures

26 Do you agree with the proposed introduction of specific permitted development rights enabling electricity undertakers to erect, construct, maintain or improve gates, fences, walls or other means of enclosure up to 3m in height?

Yes

Please comment in support of your answer:

## 5.8 Electricity Undertakings: Development of Operational Land

27 Do you agree with the proposed removal of prior approval requirements that apply to certain works under class 40 permitted development rights?

No

Please comment in support of your answer:

Planning authorities are best placed to steer applicants via prior approval or full planning permission.

28 Please provide any further views you may have on the proposals in Chapter 5 on the permitted development rights associated with electricity undertakings.

Please comment:

No comment

## 6.1 Reverse vending machines

29 Do you agree with the proposed amendments to permitted development rights for reverse vending machines?

Yes

Please comment in support of your answer:

We agree with the principle of decentralisation and 20 minutes neighbourhoods. We therefore oppose the current restriction that a reverse vending machine cannot be installed facing onto and within 5m of a road as this may restrict the installation of wall mounted RVMs within shop frontages. In order to foster a lively High Street, rather than drive people to out of town stores, there should not be a requirement that there should be 400m between each RVM.

## 6.2 Temporary use of land: Shooting ranges

30 Do you have any comments on the potential exclusion of the use of land as a target shooting range from class 15 PDR (permitted development right)? If such a change were taken forward, do you have views on the potential justification for exempting the activities discussed in paragraphs 6.2.4 and 6.2.5?

No

Please comment:

## 7. Assessment of Impacts

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

Please comment:

Don't know

32 Do you have any comments on the partial and draft impact assessments undertaken for Phase 3?

No

Please comment:

The BRIA grossly underestimates the effect on the business of planning authorities now requiring Article 4 Directions to be sought to counteract the negative impacts on the character of conservation areas. There was a clear beneficial consequence of excluding PDR from windows in the straightforward understanding of what can and cannot be done in conservation areas without

33 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

Please comment:

The joint database of Article 4 Directions that used to be maintained by SG Planning Division was illustrative of the need to track these, until the number of Article 4 Directions respecting conservatin areas fell away because PDR did not threaten them.  
Income from planning fees to carry out basic maintenance (notoriously, paint for doors or windows costing less than the fee) could be monitored to help reflect on what would be a suitable balace.

## About you

What is your name?

Name:

Mark Watson

What is your email address?

Email:

scotland@ihbc.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Institute of Historic Building Conservation, Scotland Branch

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

Publish response only (without 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

## Evaluation

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?:

Slightly satisfied

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.: