

## **SPF submitted response to Scottish Government Review of Permitted Development Rights - Phase 3**

### 1. Introduction

#### 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:

We welcome greater flexibility for micro-renewables in conservation areas. We recognise that we must respect the reasons why the conservation area has been established, namely the visual aesthetics of the area, but there should be more discretion to allow buildings the option to install solar panels where reasonable in order to support the net zero agenda. There could also be a financial benefit in terms of cost savings that would support the conservation of a building if it can become largely self-generating in terms of heat and power.

Enabling the use of solar technologies in domestic properties that are in conservation areas will increase the attractiveness of installation, inevitably expanding the production of renewable technology while reducing the reliance on fossil fuels. Significantly increasing the domestic production of renewable energy is a core component of Scotland's Draft Energy Strategy and will improve the long-term sustainability of the conservation area.

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:

Yes, we agree with the installation of solar panels on outbuildings ancillary to, and within the curtilage in conservation areas.

#### 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?

Yes

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Please comment in support of your answer:

We welcome the proposals to increase the installation capacity to allow one ASHP per dwelling rather than per building and removing the ASHP requirements for dwellings in a conservation area will create better incentives to adopt this technology. But in reference to 2.2.1, if we have to promote the transition to net zero, World Heritage site cannot be inflexibly restricted. There should be provisions that if does not structurally damage the building, appropriate installations can be made.

### 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?

Yes

Please comment in support of your answer:

We agree that simplifying the prior notification and approval process for turbine installations will reduce the complexity and increase efficiency of the installation

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:

We believe that the permitted development rights should apply to areas wherever necessary and proportionate to bring back older buildings to use and permitting buildings to connect to the grid

### 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?

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Yes

Please comment in support of your answer:

We are supportive of this proposal but there would be concerns around noise, how will these be addressed on policy level? Also, it mentions that PRD would not extend to outbuildings / structures that are not part of the dwelling should be included - don't see why this exclusion is maintained

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?

Yes

Please comment in support of your answer:

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:

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:

Our members support the efficient use of non-domestic buildings for solar for example removing the output restrictions.

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?

Yes

Please comment in support of your answer:

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We support this proposal but note that if airports can operate with some solar energy, then why should the buildings around it be restricted hence we support the reduction in the of 3km exclusion zone to perhaps 1km.

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:

We broadly support the proposed amendments, there should also be provisions and flexibility to install free-standing solar panels for buildings in national scenic areas, national parks or on listed buildings wherever feasible to move away from fossil fuels.

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

We agree with the proposals and support the potential for solar canopies within car parks to supply power to buildings (e.g. shops, offices, schools, health facilities etc) associated with the car parking area.

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:

We agree that it should not be limited to charging EVs. If the power is being supplied to the grid, it can be used for other infrastructure and public buildings.

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:

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Members are in general support of this proposal given the need to reduce reliance on gas boilers and other fossil fuel based heat and power for the majority of non-domestic buildings. As we have noted in other government consultations there will be some buildings, for example care homes, where it will be important to retain some emergency heat and power that is likely to be based on some fossil fuel generation for resilience purposes.

#### 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:

We support the proposal but the exclusion area should also be included with some conditions to protect the integrity of sites and still enable the installation, alteration or replacement of Non-domestic Ground source and Water source heat pumps.

#### 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?

Yes

Please comment in support of your answer:

World Heritage Sites are excluded from PDR and we consider this is overly restrictive. We believe buildings should be assessed against the same criteria that apply for buildings in a conservation area.

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

Not Answered

Please comment in support of your answer:

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?

Not Answered

Please comment in support of your answer:

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## 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?

We agree with the proposal, we also believe that if a scale of energy is being generated there should be provisions to store and distribute it, recognising that Scotland's weather all year round is not the same, hence renewable energy generated should be stored providing energy security.

## 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?

Yes

Please comment in support of your answer:

Our members are all too aware that the demand for electricity for the built environment is rapidly increasing and substation infrastructure therefore needs to be supported.

## 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?

Yes

Please comment in support of your answer:

Yes, we agree with this proposal as it will help boost the efficiency of the electricity system in Scotland.

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?

Not Answered

Please comment in support of your answer:

## 5.6 Electricity Undertakings: Site Investigation Works

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

Yes

Please comment in support of your answer:

Members agree with the comments to extend the range of site investigation works that can be carried out under Class 40.

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?

Not Answered Please comment:

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?

We agree, there might be certain circumstances where a greater flexibility can be applied.

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:

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:

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We support and encourage recycling but there might be a few cases, for instance, busy streets where these may take up too much of the pedestrian space. Also, some members have concerns regarding this in retail parks or shopping centres.

## 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:

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

Yes

Please comment:

We agree with the BRIA findings and consider it to be objective assessment and is helpful as it sets out the benefits of the PDR revisions to businesses, planning authorities and the general public.

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?

Not Answered

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