

1 Non-Technical Summary

1.1 Introduction to the Work Programme

This Sustainability Appraisal (SA) Report, incorporating the requirements of Strategic Environmental Assessment (SEA)¹ has been prepared to inform the Scottish Government's Proposed Programme for Extending Permitted Development Rights (PDR) in Scotland (referred to as 'the Proposed Work Programme').

The independent review of the planning system² concluded that '*there is significant scope to remove uncontroversial minor developments from the system and use this to incentivise developments which support [Scottish Government] policy aspirations*'. The Scottish Government has signalled its support for greater PDR as part of wider measures intended to simplify, streamline and clarify procedures so that planners can focus on activities that add most value.

The Proposed Work Programme does not itself set out any proposals or recommendations for amending PDR legislation. This will be the subject of further more detailed work which will be progressed in phases. Rather, the Proposed Work Programme seeks to prioritise the work to be taken forward, and to consider whether certain development types might be considered together and how, and approximately when, detailed legislative proposals will be progressed. The Scottish Government will give consideration as to whether any further environmental assessment or appraisal may be required as the detailed changes to PDR are worked up.

1.2 Permitted Development Rights in Scotland

PDR is the term given to a Scotland wide planning permission set out in legislation³ which removes the need to apply for planning permission.

The Scottish Government has identified 16 broad categories of development types for further consideration of potential changes to PDR. The development types included in the Proposed Work Programme are set out in Table 1.1 overleaf:

¹ Incorporating the requirements for an Environmental Report under The Environmental Assessment (Scotland) Act 2005.

² In its report 'Empowering Planning to Deliver Great Places' (31 May 2016) available online at: <https://beta.gov.scot/publications/empowering-planning-to-deliver-great-places/>

³ Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (Scottish Statutory Instrument 1992/223), as amended.

Table 1.1 Types of development where changes in PDR have been considered

Digital communications infrastructure	Non-domestic solar energy	Development relating to active travel	Householder developments
Town centre changes of use	District heating and supporting infrastructure	Habitat pond creation	Electric vehicle charging infrastructure
Agricultural development	Energy storage (non-domestic)	Peatland restoration	Defibrillator cabinets
Micro-renewables (domestic and non-domestic)	Energy storage (domestic)	Allotments and community growing schemes	Snow sports

1.3 What is Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA)?

SEA is required for certain plans, programmes and strategies under the Environmental Assessment Scotland Act 2005. It is a means to judge the likely significant impacts (both positive and negative) of the plan, programme or strategy on the environment and to seek ways to minimise significant adverse effects. SA takes into account environmental, social and economic effects. In this document the term 'SA' should be taken to mean 'SA incorporating the requirements of SEA.' The findings from the assessment will help to inform decisions about prioritising future legislation for the different development types, whether and how far PDR should be extended, and any requirements for safeguards to minimise the risk of negative effects.

1.4 How was the Sustainability Appraisal undertaken?

A series of SA objectives and supporting criteria were developed and these were used to appraise proposals in the Proposed Work Programme. The SA objectives were developed taking into account national environmental, social and economic objectives relevant to each of the SA topics. The Scottish Government also established a Virtual Review Group (VRG) consisting of key stakeholders with knowledge and expertise on the different development types. The VRG were involved from Scoping stage through to informing the appraisal.

The SA identifies the likely significant positive and negative environmental, social and economic effects, as well as whether effects would be temporary or permanent, and whether they would arise in the short, medium or long term.

1.5 Which reasonable alternatives have been considered?

SEA requires consideration of alternative policy positions (referred to as 'reasonable alternatives'). The Scottish Government originally identified 15 broad categories of development for possible changes to PD. Options for each development type were then developed through an iterative process in discussion with Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Environment Scotland (HES) (the SEA consultation authorities), and the VRG. For each development type the options typically appraised are:

- no change to current PDR (where existing PDR);
- alteration of current PDR for a development type in relation to current restrictions in designated areas, and/or thresholds relevant to the scale/size of development;
- creating new PDR for a development type in designated areas, non-designated areas, and/or introducing size/scale restrictions of receptors.

An alternative approach was applied to the 13 options identified for changes of use in town centres. The SA instead focuses on the sustainability effects of changes that would result from the addition or loss of 13 typical town centre uses, as a means of more clearly drawing out the likely significant impacts which could arise.

1.6 What are the key environmental, social and economic challenges and opportunities relevant to the Proposed Work Programme?

Scotland's environment is rich in natural and cultural heritage. Its network of designated sites supports many important and rare plants, birds and animals. Many biodiversity features are in good condition, but continuing efforts are needed to avoid the further decline of some species and habitats. Actions to improve biodiversity in Scotland include restoring peatlands, native woodland, and water courses. Actions also include developing the role of the natural environment in providing social and economic benefits and supporting health and wellbeing.

Scotland has set ambitious targets to reduce greenhouse gas emissions. There has been a decline in fossil fuel use, including from electricity generation and transport. Climate change could result in a number of impacts on communities. Scotland's peatlands represent a significant carbon store, and impacts on peatlands are important in relation to greenhouse gas emissions.

Scotland's peat soils cover more than 20% of the country and store around 1600 million tonnes of carbon. However, it is estimated that over 80% of our peatlands are degraded.

Some residential properties are at risk of flooding. Agriculture is a key source of diffuse pollutants, potentially impacting the quality of our rivers, lochs, coastal and transitional waters.

Transport is a major contributor to air pollution however emissions from road traffic have been gradually decreasing. While the number of total miles travelled in the country has increased steadily between 2006 and 2017 the total number of journeys

made by public transport has seen an overall decrease during this period. The number of journeys undertaken by rail in Scotland has seen sustained growth since 1995/96, increasing by 96% to 96.1 million journeys in 2014/15. Car ownership has also been increasing in the country. Despite the overall increase in general usage of charging points in Scotland, 25% of charge points were still not used at all during August 2016. At present there are over 2,300 miles of National Cycle Network across Scotland and a very small percentage (0.3%) of the population owns an electric vehicle.

Scotland has high quality landscapes, with many iconic views and scenic areas. There are 40 National Scenic Areas in Scotland mainly in the more remote and mountainous areas. All five of the ski centres are situated within NSAs “of outstanding scenic value in a national context”. At present there are two national parks in Scotland: Loch Lomond and The Trossachs and the Cairngorms. The protection of these areas is central to rural economic development and recreation, sustainability, and the conservation of their diverse natural habitats.

The historic environment in Scotland is a valued asset attracting approximately 14.6 million visitors a year. A significant proportion of the historic environment in Scotland is undesignated. Heritage assets are at risk from neglect, decay or development pressures. Traffic congestion, air quality, noise pollution, climate change and other problems may also affect the historic environment. Tourism, leisure and sport can improve understanding and enjoyment of the historic environment.

Scotland’s **population** is estimated to be just over five million. The population density in the country is among the lowest in Europe. There is significant variation between the more densely populated areas in the Central Belt and areas such as the Highlands and the Western Isles. There is a recent trend for an overall increase in the proportion of people who are older in the country.

The reduction in physical activity and established obesity across Scotland is seen as a health issue. Air pollution is estimated to reduce the average life expectancy of every person in the UK by six months. The situation in Scotland is comparative to that within the UK as a whole in terms of poor quality for human health. Interest in gardening and allotments has seen a rise over recent years with more people becoming aware of the social, environmental and health benefits.

Tourism is of great importance to the Scottish economy and is one of Scotland’s largest business sectors. Adventure tourism, which includes snow sports, is a growing trend. Agricultural land is a key material asset. Agriculture is the dominant land use in Scotland, covering 6.2 million hectares, 80% of the land area. A total of 66,600 people were employed in the agricultural industry at the end of June 2018.

There has been a steady increase in the availability of next generation broadband. The snow sports sector is vital to the Scottish rural economy with the economic benefit valued at £30 million per year in 2010. Unpredictable snow cover is regarded as the most significant issue within the industry with these factors driving visitor numbers, profitability and revenue.

1.7 Findings of the Sustainability Appraisal

The following paragraphs provide a high level summary of the SA findings for each main development type.

Digital communications infrastructure

Digital communications infrastructure networks provide a range of services that underpin Scotland's digital economy. Options for the expansion of PDR could include changes relating to the size, scale and location of equipment, and supporting infrastructure, such as equipment housing. The SA has identified significant positive effects in relation to the economy and population and human health. This reflects the support for network improvements which are important to Scotland's digital economy. Key areas of potential but reversible significant negative effects include cultural heritage, particularly from development affecting sites designated for their cultural heritage importance, and potential landscape impacts from new or enlarged masts.

Town Centre changes of use

Town centres across Scotland are experiencing significant change. Options for the expansion of PDR could include changes leading to the addition or loss of different typical town centre uses and the SA has considered the sustainability effects of those changes. The SA identified significant positive economic effects in relation to changes allowing town centres to respond to changing eating, shopping and working patterns. Significant positive cumulative effects are also noted in relation to climatic factors, reflecting the reduced need to travel, and population and human health through providing local services and facilities in an accessible location. There is the potential for negative effects including 'bad neighbour' effects and poor diet associated with an increased number of take-away restaurants. Mixed significant effects could occur for cultural heritage reflecting the positive role of keeping historic buildings in use, but the potential impacts from physical changes to buildings.

Agricultural developments

Agriculture and farming are important to the Scottish economy and options for the expansion of PDR could include changes relating to the size and scale of farm sheds, the development of polytunnels and the conversion of agricultural buildings to residential or commercial use. The majority of potential PDR changes are identified as having a significant positive effect on supporting the rural economy. Potential significant negative effects are identified in terms of cultural heritage and potential landscape impacts from larger scale developments, and potential impacts on flood risk from increased run-off.

Micro-renewables (domestic and non-domestic)

Micro-renewables produce heat or energy from renewable sources such as solar, wind, biomass or by exchanging heat naturally present in the air or ground. Options for the expansion of PDR could include changes relating to development within protected areas where these are currently restricted and/or the introduction of new PDR. Changes are identified as having significant minor positive long term effects on reducing greenhouse gas emissions through use of low carbon energy sources, and

supporting climate change adaptation through resilience of the energy supply network. Changes could give rise to significant positive cumulative effects by improving the efficiency of the planning system, removing the requirement to apply for planning permission for a wide range of domestic and non-domestic renewables.

Non-domestic solar energy

Solar panels generate electricity or heat water using the energy from the sun. Options for the expansion of PDR include changes relating to the removal of certain restrictions on PDR for solar panels mounted on roofs or walls. The potential for significant negative effects on the safe operation of aerodromes and technical sites was identified in circumstances where there are cumulative effects from glint and glare from several solar developments in the same area.

District heating and supporting infrastructure

Heat networks or district heating refers to a network system for distributing heat from a central location (instead of individual boilers in homes) to meet requirements for heating and hot water in residential and commercial developments. Options for the expansion of PDR include introducing PDR for works relating to district heating and supporting infrastructure. Potential significant negative effects have been identified in terms of cultural heritage.

Energy storage (non-domestic)

Energy storage, in the form of battery storage, plays an important role in supporting the flexibility of the energy system, helping to avoid peaks and troughs in supply, particularly in relation to renewable energy. Options for the expansion of PDR include introducing PDR for energy storage developments. Significant but reversible negative effects are identified in terms of cultural heritage and landscape.

Energy storage (domestic)

Battery energy storage in association with residential buildings allows users to store electricity from local generation. There are no existing specific PDR for the installation, alteration or replacement of domestic energy storage facilities, although planning permission is not required for domestic battery storage within a residential building. No significant positive or negative effects are identified for introducing PDR for this development type.

Development relating to active travel

Development relating to active travel is identified as the physical infrastructure required to support active travel. No PDR exist in relation to surface improvements to footpaths and cycle ways, new footpath and cycle routes, provision of safe road crossing points, provision of docking stations for e-bikes and other developments which might support sustainable transport in Scotland. No significant positive or negative effects are identified for introducing PDR for this development type.

Habitat pond creation

Pond creation and restoration for wildlife has been an important element of agri-environment funding in recent years. There are currently no PDR for creation of wildlife ponds on agricultural land. Introducing PDR for the creation of ponds for wildlife purposes could have significant positive permanent effects on biodiversity, flora and fauna.

Peatland restoration

Peatland can become degraded as a result of drainage, forestry, grazing, peat cutting or erosion. Actions to restore peatland focus on managing water levels, stabilising peat and managing vegetation. There are currently no specific PDR for peatland restoration activities. Potential significant permanent positive effects are identified in terms of biodiversity, the water environment, reducing greenhouse gas emissions, climate adaptation, soils and the landscape.

Allotments and community gardens

Allotments and community gardens are plots of land tended by individuals or community groups for the growing of fruit, vegetables, flowers and other plants for their own use. Developments which support activities on these sites include change of use of land, fencing, buildings, access and water. Introducing PDR to cover these development types could have significant long term positive effects in terms of social, population and human health.

Householder developments

Householder developments relate to alterations and extensions to a property and within the curtilage. Some of the existing PDR are currently restricted in relation to designated cultural heritage assets. Options for the expansion of PDR include changes relating to the type of property, the size and scale of the change, and where the change affects Conservation Areas and Listed Buildings. There are mixed minor effects across most PDR changes and minor positive effects on population and human health where PDR allow people to improve their living environment, although there could also be negative effects from impacts on the amenity of neighbouring properties. Significant positive effects are also identified in relation to the efficient operation of the planning system reflecting the potential number of planning applications avoided. Significant negative effects are identified on cultural heritage, arising from the changes across all types of development.

Electric vehicle charging

An electric vehicle charging point / station supplies electricity to electric vehicles, and is an important aspect of supporting climate change targets. Options for changes to PDR relate to changes to the size and location of the development, including in areas designated for their cultural heritage. Significant negative effects are identified on cultural heritage although these effects are reversible. Significant positive effects are identified in relation to climate change and air quality from indirect support for reducing vehicle emissions.

Defibrillator cabinets

Defibrillator cabinets, Publicly Accessible Defibrillators (PADs) or Automated External Defibrillators (AEDs) are an increasingly common feature in many towns, villages and cities. At present PADs are not covered by specific PDR. No significant positive or negative effects are identified for introducing PDR for this development type.

Snow sports

Climate change, and its impact on snowfall, is presenting a challenge for the snow sports industry in Scotland. Artificial snow-making is an important aspect of maintaining the viability of snow sports centres, and the development may require a number of different pieces of infrastructure to support the energy needs, water requirements and snow-making equipment. No significant positive or negative effects are identified for the options to expand PDR relevant to snow sports.

1.8 Secondary, cumulative and synergistic effects

Possible cumulative and synergistic effects between all of the development types included in the Proposed Work Programme have been assessed. It is not currently known which of the options for changes to PDR will be progressed and the extent to which rights will be increased. This section therefore summarises the maximum potential synergistic and cumulative effects.

Several potential changes to PDR could have potential significant negative impacts on **biodiversity, flora and fauna**. PDR for wildlife ponds and peatland restoration could result in potential significant net positive effects for this topic.

A number of potential changes will act together to support policies to reduce greenhouse gas emissions and to support adaptation to a changing **climate**, which combine to give a significant positive effect. Similarly, several potential changes will assist in improving **air quality**. A number of potential PDR changes relate to changes in the size and scale of development types that could significantly increase **flood risk**.

Several potential changes to PDR could have potential significant negative impacts on **cultural heritage**, with several having particular potential to affect Conservation Areas and undesignated historic townscapes, although this could be mitigated by restricting PDR in these areas.

Significant positive effects are identified from options which support the rural and urban economy. Several potential changes to PDR will combine to provide benefits in terms of **population**, living environment and **health**.

Several options could combine to have potentially significant negative cumulative impacts on safety at aerodrome or technical sites, however this can be mitigated either through appropriate restrictions on PDR in the vicinity of these sites, or alternatively through a more detailed evidence base to inform any future proposals in this respect.

1.9 What mitigation measures could be put in place?

Potential mitigation measures, whilst reflecting the need for balance with the objective of simplifying the consenting process, include:

- Imposing conditions or restrictions on the extension of particular PDR, for example in terms of numbers, dimensions (e.g. height or area of development) and locations of development likely to give rise to adverse effects.
- Redefining distance thresholds for particular PDR by establishing minimum distances beyond which effects from particular development types are unlikely to be significant.
- Retaining or requiring prior notification/prior approval⁴. It is however noted that this option may be of more limited benefit in terms of streamlining the planning system, though benefits may still arise for wider Scottish Government policy objectives by establishing the principle of development through a national grant of planning permission.
- Promoting guidance and best practice to ensure that development which is implemented under PDR achieves high standards of design and implementation.

There are also a number of existing statutory mechanisms which are relevant to the Proposed Work Programme. These include the Environmental Impact Assessment (EIA) Regulations, the Habitats Regulations, protection for European Protected Species, protection for Conservation Areas, Listed Buildings and Scheduled Monuments, and existing requirements for notification to the planning authority for certain types and scales of development.

1.10 What monitoring is proposed?

The precise specification of changes to PDR for each development type in this SA is unknown, as is the relative timing of their introduction and the endpoint at which all of the changes associated with this SA will be implemented. It is therefore not possible to specify monitoring and review arrangements at this stage. We recognise that we will need to consider appropriate monitoring of the impacts, including those on the environment, for changes for each development type, as well as looking at the wider cumulative effects of changes across development types. This could involve various approaches and combinations of approach, such as liaison with planning authorities, developers and statutory bodies, as well as commissioning research. As part of the Business and Regulatory Impact Assessment (<https://www.gov.scot/publications/business-regulatory-impact-assessments-toolkit/>) associated with developing changes to legislation we would set out commitments to appropriate monitoring and review, including how the previously mentioned cumulative effects will be captured.

1.11 How can I comment on this Sustainability Appraisal?

The consultation on the Proposed Work Programme and SA runs for a 12 week period from 5 November 2019 until 28 January 2020.

⁴ Prior notification/prior approval is a procedure whereby a developer must, as a condition of the planning permission granted by PDR, notify the planning authority of proposals before exercising PDR. This procedure will not result in planning permission and instead will determine whether prior approval is or is not required and is or is not given.

Details of how people can comment

1.12 How will responses be considered?

Following the consultation period, the consultation responses on the Proposed Work Programme and the SA will be analysed. Responses to the consultation will be taken into account in the identification of the PDR changes to be taken forward.