Consultation on the General Permitted Development Amendment Order 2012

March 2012
CONSULTATION ON THE GENERAL PERMITTED DEVELOPMENT AMENDMENT ORDER 2012

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### Glossary of Terms

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<th>Term</th>
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<tr>
<td>„Permitted Development Rights (PDR)”</td>
<td>Planning permission granted for certain classes of development by General Permitted Development Orders. Also known as Permitted Development (“PD”).</td>
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<td>„General Permitted Development Order” or „GPDO”</td>
<td>A statutory instrument granting permitted development rights.</td>
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<td>„Article 4 direction”</td>
<td>A direction, usually made by a planning authority and approved by the Scottish Ministers where, in a particular area, particular permitted development rights are not applicable.</td>
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<td>„Class”, „Classes”, „Part” or „Parts”</td>
<td>PDR are divided into Classes which are grouped into Parts in schedule 1 to the 1992 Order.</td>
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<td>„The 1997 Act”</td>
<td>The Town and Country Planning (Scotland) Act 1997 (as amended) by the Planning etc (Scotland) Act 2006.</td>
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<td>EIA</td>
<td>„Environmental Impact Assessment” is a process for identifying the likely environmental effects of certain types of development, before they are granted consent. The requirement for EIA stems from European Directive 85/33/EEC, as amended.</td>
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INTRODUCTION

1. The Scottish Government believes that a well functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. An effective, efficient and proportionate planning system which is focused on outcomes will deliver benefits to the wider economy. This consultation is part of the renewed planning reform programme announced on 28 March 2012.

2. Considering minor uncontroversial types of development is not an effective or efficient way of regulating development. Requiring planning applications, where the planning system can add little, or no value, imposes unnecessary costs and delays to development. However, if permitted development rights are set too widely then there is a risk of inappropriate development taking place.

3. The Town and Country (General Permitted Development) (Scotland) Order 1992, as amended is the primary means by which permitted development rights (PDR), an exemption from the need for a planning application, is conferred. The order grants planning permission for a variety of works and uses provided that the development complies with the limitations and conditions set out.

4. The purpose of this consultation is to seek views on draft legislation for a number of refinements and amendments to the non-domestic elements of the General Permitted Development Order (GPDO). A summary of the key changes is set out in Table 1. We are inviting written responses to this consultation paper by Friday 22 June 2012. See Annex 4 on how to respond.

BACKGROUND

5. Modernisation of the planning system has been under way since the Planning etc. (Scotland) Act 2006 was introduced. Subsequent changes to Scottish Planning Policy, guidance, and circulars have sought to promote a more proportionate system. Removal of some minor developments from planning control is a key element of the modernisation agenda. Changes have already been introduced in respect of householder permitted developments.

6. The draft amendment order at Annex 1 sets out the detailed proposals in respect of non-householder developments. The proposed changes take account of responses to the 2011 Consultation on the GPDO. 

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1 Consultation on Non-Domestic Elements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992
Analysis of responses to Consultation on Non-Domestic Elements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992
Table 1: Summary of Proposals

<table>
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<th>Access Ramps</th>
<th><strong>Class 7G</strong> - Introduce PD rights for the formation of an access ramp to any non-domestic building.</th>
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<td>Aviation</td>
<td>No changes to existing Permitted Development Rights for Aviation.</td>
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<td>Caravan Sites</td>
<td><strong>Class 17</strong> - Existing rights amended to permit formation of a hard standing.</td>
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<td>Electric Vehicle Charging Points</td>
<td><strong>Classes 7E and 7F</strong> - Introduce PD rights for installation of both freestanding and wall mounted charging points.</td>
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<td>Harbours</td>
<td>It is proposed to make no changes to Permitted Development Rights for Harbours.</td>
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<tr>
<td>Hill Tracks</td>
<td><strong>Classes 18, 22 and 27</strong> - It is proposed to limit Permitted Development Rights for new hill tracks.</td>
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</table>
| Industrial and Warehouse Development | **Class 25** - Creation of Hard Surfaces amended. Clarified that R&D included within definition of „industrial building“.
| Institutions (Hospitals, Universities, Colleges, Schools, Nurseries, Care Homes) | **Class 7C** - Introduce PD rights for the extension and alteration of buildings used as Hospitals, Universities, Colleges, Schools, Nurseries, and Care Homes. |
| Local Authority Development       | **Class 33** - Financial limit for PD works increased to £250,000. Construction of flats as permitted development made possible. |
| Offices                           | **Class 7D** - PD rights for minor extensions of office buildings.                                 |
| Open Air Markets                  | **Class 15** - amendment to provide PD rights for temporary use as an open air market.             |
| Pavement Cafes                    | **Class 7H** - PD rights for the provision of a pavement café.                                      |
| Shops and Financial/Professional Services | **Class 7A** - PD rights for the extension or alteration of a shop or a financial services establishment. Class 7B - PD rights for the provision of a trolley store within the curtilage of a shop. |

7. At this time we are not proposing any amendments to permitted development rights for airports or harbours. While some respondents argued for restricting PDR for harbours and airports, the majority of respondents felt that the current controls struck a good balance. In particular it was noted that both airports and harbours have to compete with similar facilities in other countries/planning jurisdictions and any restrictions on PDR might have significant impact on their operations.

8. The aims of the changes are to ensure that PDR granted by the GPDO is proportionate and to remove unnecessary applications from the planning
system. Subject to this consultation, our intention is that changes will be incorporated into the GPDO by means of either; an amendment order (as attached at Annex 1) which will be laid before Parliament later this year, or a single consolidated version of the GPDO incorporating all the amendments made since 1992.

BUSINESS AND REGULATORY IMPACT ASSESSMENT (ANNEX 2)

9. Annex 2 of the 2011 consultation contained a partial Business and Regulatory Impact Assessment (BRIA) which highlighted issues we needed to explore regarding the costs and benefits of changes to PDR. This has been updated to reflect comments received in response to that consultation. We would like to discuss the detailed impact of these changes with a range of companies that may be affected by these proposals. Please let us know if you wish to be contacted.

EQUALITIES IMPACT ASSESSMENT (ANNEX 3)

10. A partial Equalities Impact Assessment (EqIA) is attached at Annex 3.

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

11. The GPDO was considered under the Environmental Assessment (Scotland) Act 2005 in order to identify if a Strategic Environmental Assessment (SEA) was required. A screening process was undertaken in consultation with SEPA, Historic Scotland and Scottish Natural Heritage after which it was determined and advertised that the GPDO would not have significant environmental effects and an SEA was not required.

Q1. Are there any costs or benefits not identified in the draft BRIA?

Q2. Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA?

Q3. We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EqIA is attached to this consultation at Annex 3 for your comment and feedback
PART 1: AMENDMENTS TO EXISTING CLASSES OF PERMITTED DEVELOPMENT

12. This part of the consultation paper deals with the proposed amendment of existing classes of permitted development within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

13. Responses from Scottish Water, SEPA (Scottish Environmental Protection Agency) and others highlighted concerns that amendments to the GPDO should take into account the need for suitable management of surface water and consideration of flood risk management. A general provision is therefore proposed to require that any new hard surface permitted by the order to be either of a porous material or that adequate provision is made to ensure that any water run-off is dealt with on-site. This is similar to the provisions already made in respect of hard standing associated with householder development.

Class 15 Temporary use of land - Open Air Markets

14. The previous consultation sought views on whether or not there should be PDR for open air markets such as farmers markets. While there was consensus among the majority of respondents that there should be PDR for open air markets, there was little agreement about how this could be achieved.

15. There was some support for the view that PDR should be restricted on the basis of how often a market was held on any particular site.

16. It is therefore proposed that limited PDR for the operation of a market could be achieved by amending class 15 – Temporary use of land. The existing class 15 excludes use as an “open air market”. Removing the prohibition on markets would permit their operation for up to 28 days in total in a calendar year, subject to a new requirement for there to be a license in place for any market to qualify as Permitted Development.

Class 17 Caravan Sites

17. Currently class 17 grants permitted development rights for caravan site operators to carry out development required by the conditions of their site licence. The Scottish Government is intending to consult on updating the site licensing regime as currently governed by the Caravan Sites and Control of Development Act 1960. We are proposing to amend class 17 in respect of hard surface provisions as set out in paragraph 13.

Class 18 Agriculture, Class 22 Forestry and Class 27 Repairs to private roads and ways

18. There were opposing views in response to the 2011 consultation on PDR associated with private ways. Whilst there was a strong desire from landowners to retain existing PDR, there was also compelling evidence presented of the damage caused by some tracks. On balance, it is therefore considered that the removal of Permitted Development Rights for formation of access tracks is the appropriate option.
19. At present the formation of a new access track for agriculture or forestry purposes can be undertaken without requiring a planning application. It is proposed to amend class 18 and class 22 such that the formation of a new access track would require the submission of a planning application. The maintenance of an existing track, contained within the existing track boundaries, would continue to be permitted development.

20. In both classes 18 and 22 development would not be permitted if it would mean the widening of the existing private way or would result in the private way being materially different from the existing private way. This would prevent, for example, replacing a loose chipping surface with a tarmac one. Development would not be permitted by either class if it is within:
   - a site of archaeological interest
   - a National Scenic Area
   - a historic garden or designed landscape (HGDL)
   - a battlefield
   - a conservation area
   - a National Park
   - a World Heritage Site

21. Class 27 would be amended to exclude any work that would be development as described in classes 18 and 22.

Part 8 Industrial and Warehouse Development - Class 25 and Class 26

22. It is proposed to amend the definition of „industrial building“ in Part 8 to include reference to buildings used for research and development. There was overwhelming support for this amongst respondents to the previous consultation and we believe it is appropriate to support the growth of this sector.

23. It is proposed to amend class 25 to require that any hard standing be either of a porous material or that adequate provision is made to ensure that any water run-off is dealt with on-site.

24. Class 26 relates to the deposit of waste material resulting from an industrial process on land which was used for that purpose on 1 July 1948. We are considering whether this class is still relevant and should be retained or whether it could be removed from the GPDO.

Q4. Should we retain class 26? Y/N

If class 26 should be retained are there any changes to the controls that would strike a better balance?
Class 33 Development by local authorities

25. We are proposing a number of small adjustments in respect of this class. These changes were not the subject of specific questions in the previous public consultation but are in response to comments made by planning authorities in their submissions and further discussions.

26. Class 33 allows local authorities to carry out certain development in their areas. It is proposed to change the term „planning authority” to „local authority”. It is intended to ease administrative burdens surrounding the undertaking of works by local authorities in the exercising of their public duties. Changing the reference from planning authorities to local authorities will bring class 33 in line with both the title of part 12 and with class 30 which also allows certain development by the local authority. In doing so it recognises that the building of houses etc are functions of the local authority and not, strictly speaking, the planning authority.

27. It is also proposed to replace the word „dwellinghouses” with the term „residential development” - at present flats cannot be constructed as Permitted Development, but houses can, which is not consistent with modern practice on creating mixed tenure developments.

28. Part (c) of Class 33 permits planning authorities to carry out minor works up to a certain value under PDR where they do not fall into the bad neighbour category of development or involve the material change of use of buildings or land. The current value of £100,000 has been in place since 1992 and we are proposing to increase this to £250,000 to reflect rises in inflation over the past 20 years.

Q5. With regard to the proposed amendments to existing classes;

(a) Is the granting of permission, and the restrictions and conditions, clear? Y/N

(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
PART 2: PROPOSED NEW CLASSES OF PERMITTED DEVELOPMENT

29. In addition to revising the terms of some existing classes of permitted development we think that there is scope to introduce new permitted development rights in a number of areas where planning control adds little value. These categories are set out below. All of these proposals were included in the previous consultation and there was strong support amongst respondents for the proposed changes.

Classes 7E and 7F Electric vehicle charging points

30. It is proposed to introduce new classes of permitted development rights for the installation of charging points for electric vehicles. Planning permission would be granted by the new classes for:
   - an electrical outlet mounted on an external wall for re-charging electric vehicles off-street (class 7E)
   - an upstand for mounting an electric vehicle charging point and feeder pillar within an outdoor off street parking area (class 7F).

31. Class 7E allows wall mounted charging points to be mounted within an area lawfully used for off-street parking subject to restrictions that the size of the unit is not more than 0.5 cubic metres and that it does not face onto a road within two metres. There are also restrictions on the size, number and position of any name plates attached to the charging point.

32. Class 7F makes similar provision for free standing charging points; allowing units up to 1.6 metres high subject to the restrictions that they are not within two metres of a road and that there is a maximum of one unit per parking space. The restrictions regarding name plates also apply. Development would not be permitted by either class if it is within:
   - a site of archaeological interest
   - a National Scenic Area
   - a historic garden or designed landscape (HGDL)
   - a battlefield
   - a conservation area
   - a National Park
   - a World Heritage Site

33. Finally both classes contain a requirement that when the charging point is no longer needed, it is to be removed and, as far as is practicable, the land returned to its original condition.

Q6. With regard to the proposed new classes 7E and 7F;

(a) Is the granting of permission, and the restrictions and conditions, clear? Y/N

(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N
Classes 7A and 7B Extension of a shop, financial or professional services establishment & provision of free standing trolley stores

34. Class 7A within the proposed draft order introduces permitted development rights for the extension or alteration of commercial buildings (within Classes 1 and 2 of the Use Classes Order). These permitted development rights do not extend to shopping centres, as the potential alteration to the exterior of such buildings should continue to be subject to planning control.

35. Development under class 7A would not be permitted if the extension or alteration would exceed the gross floor space of the original building by either 25% or 100 square metres (whichever is the lesser) or if the height of the extended or altered building would be more than 4 metres. PDR would also not extend to:
   - any extension closer than 10 metres of a curtilage boundary
   - development that would result in loss of parking or turning space for motor vehicles
   - any development that included a balcony, veranda or raised platform
   - any development that would extend beyond, or would alter, the existing shop front
   - any development that is used for purposes other than that of the original shop.

36. Development would not be permitted by either class if it is within:
   - a site of archaeological interest
   - a National Scenic Area
   - a historic garden or designed landscape (HGDL)
   - a battlefield
   - a conservation area
   - a National Park
   - a World Heritage Site

37. Class 7B would introduce PDR for the provision of free standing trolley stores within the curtilage of a retail site. These rights are to be subject to the proviso that any such store does not exceed 20 square metres floor area and 2.5 metres in height and is not within 20 metres of any boundary with a residential property. These limitations are as per the 2011 consultation document. A further limitation is also proposed - that development is not permitted by this class in the case of land within a Conservation Area.

Q7. With regard to the proposed new classes 7A and 7B;

(a) Is the granting of permission, and the restrictions and conditions, clear?
   Y/N
(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Class 7C Extension or alteration of hospitals, universities, colleges, schools and nursing or care homes

38. Permitted development rights would be introduced permitting the extension or alteration of school, college, university or hospital buildings, as well as for nursing homes and building used for the provision of care (other than a use within class 9 of the Use Classes Order).

39. Development under class 7C would not be permitted if the extension or alteration would exceed the gross floor space of the original building by either 25% or 100 square metres (whichever is the lesser) or if the height of the extended or altered building would be more than 4 metres. PDR would also not extend to:

- construction of an incinerator
- bad neighbour development (as set out in schedule 2)
- any extension closer than 10 metres of a curtilage boundary
- any development which would involve loss of parking or turning space for motor vehicles
- any development which would involve loss of land
- any development that included a balcony, veranda or raised platform
- any development that would extend beyond, or would alter, the existing shop front
- any development that is used for purposes other than that of the undertaking concerned

40. Development would not be permitted by this class if it is within:

- a site of archaeological interest
- a National Scenic Area
- a historic garden or designed landscape (HGD/L)
- a battlefield
- a conservation area
- a National Park
- a World Heritage Site

Q8. With regard to the proposed new class 7C;

(a) Is the granting of permission, and the restrictions and conditions, clear?
(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Class 7D Extension of offices

41. It is proposed to introduce permitted development rights for the extension of office buildings.

42. Development under class 7D would not be permitted if the extension or alteration would exceed the gross floor space of the original building by either 25% or 50 square metres (whichever is the lesser) or if the height of the extended or altered building would be more than 4 metres. PDR would also not extend to:
   - any extension closer than 10 metres to a curtilage boundary
   - any development that would involve loss of parking or turning space for motor vehicles
   - any development that included a balcony, veranda or raised platform

43. Development would not be permitted by this class if it is within:
   - a site of archaeological interest
   - a National Scenic Area
   - a historic garden or designed landscape (HGDL)
   - a battlefield
   - a conservation area
   - a National Park
   - a World Heritage Site

Q9. With regard to the proposed new class 7D:

(a) Is the granting of permission, and the restrictions and conditions, clear? Y/N

(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Class 7H Use of land for provision of pavement cafes

44. It is proposed to introduce permitted development rights for the provision of pavement cafes. Such permitted development rights will only apply to land adjoining premises within class 3 (Food and Drink) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

45. There are a number of limitations on this proposed class, to protect residential amenity, and to ensure pedestrian and road safety, and ensure that pavements are still accessible for all. These permitted development rights do not remove any other legal or licensing requirements. In particular there may be a requirement under section 59 of the Roads (Scotland) Act 1984 to obtain the permission of the roads authority before placing anything that may cause an obstruction.

46. It is proposed that use of land for provision of a pavement cafe is not permitted by this class if:

- any equipment or furniture required for the pavement café is incapable of being removed when the premises are closed.
- the pavement cafe is not associated with an immediately adjoining existing premises within Class 3, Food and Drink of the T&CP Use Classes Scotland Order 1997, for consumption of food or drink on the premises (restaurant, café, or snack bar).

47. Development would also not be permitted where:

- the distance between the outside of the cafe area and the edge of the nearest roadway would be less than 3metres
- the cafe area projected more than 4m beyond the frontage of the premises
- the pavement cafe would extend beyond the width of the frontage of the main property
- the cafe was not located directly in front of and visible from the main premises.

Q10. With regard to the proposed new class 7H:

(a) Is the granting of permission, and the restrictions and conditions, clear? Y/N

(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Class 7G Erection, construction or alteration of an access ramp

48. Class 7G sets out PDR for access ramps to be erected outside an external door of a non-domestic building. Scottish Building Standards require ramps to be safe. Supporting guidance, including information on suitable gradients and lengths of ramp, can be found in the Scottish Building Standards Technical Handbook available from www.scotland.gov.uk/bsd.

49. The permitted development rights in class 7G would reflect these standards. Development would not be permitted under this class if:

- the combined length of flights forming part of the ramps would be more than 5 metres
- the combined length of flights and platforms would be more than 9 metres
- any part of the ramp would be more than 0.3 metres high, or any part of the ramp plus any wall, handrail or similar structure would exceed 1.5 metres.

50. Development would not be permitted by this class if it is within:

- a site of archaeological interest
- a National Scenic Area
- a historic garden or designed landscape (HGDL)
- a battlefield
- a conservation area
- a National Park
- a World Heritage Site

Q11. With regard to the proposed new class 7G;

(a) Is the granting of permission, and the restrictions and conditions, clear? Y/N

(b) Is the granting of permission, and the restrictions and conditions, reasonable? Y/N

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity? Y/N

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Annex 1: Annex 1: Draft Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2012

SCOTTISH STATUTORY INSTRUMENTS

2012 No.

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2012

Made - - - - 2012
Laid before the Scottish Parliament 2012
Coming into force - - 2012

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(2) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2012 and comes into force on 2012.

(2) In this Order—

“battlefield” means a battlefield identified in the inventory of battlefields compiled and maintained by the Scottish Ministers under section 32B of the Ancient Monuments and Archaeological Areas Act 1979(3);

“the Use Classes Order” means the Town and Country Planning Use (Classes) (Scotland) Order 1997(4).

Amendment of the 1992 Order

2.—(1) The 1992 Order is amended in accordance with paragraphs (2) to (12).

(2) In article (2) (interpretation) in paragraph (1) in the appropriate alphabetical place insert—

“battlefield” means a battlefield identified in the inventory of battlefields compiled and maintained by the Scottish Ministers under section 32B of the Ancient Monuments and Archaeological Areas Act 1979;”.

(3) In class 15 of Part 4 (temporary buildings and uses) of Schedule 1 omit the words “or an open air market”.

(2) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).


(4) S.I. 1997/3061 [ ].
(4) After class 17 of Part 5 of Schedule 7 (caravan sites) insert—

“Class 17A

(1) The provision of a hard surface [within a caravan site] to be used for the purpose of that undertaking.

(2) Development is not permitted by this class in the case of land within [     ].

(3) Development is permitted by this class subject to the following conditions—

  (a) the hard surface must be made of porous materials; or
  (b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the caravan site.”.

(5) In class 18 of Part 6 (agricultural buildings and operations) of Schedule 1—

(a) in paragraph (1) omit “formation, alteration or”;

(b) after paragraph (2) insert—

“(2A) Development consisting of the maintenance of private ways is not permitted by this class in the case of land within—

  (a) a site of archaeological interest;
  (b) a National Scenic Area;
  (c) a historic garden or designed landscape;
  (d) a battlefield;
  (e) a conservation area;
  (f) a National Park; or
  (g) a World Heritage Site.”.

(c) after paragraph (4) insert—

“(4A) Development consisting of the maintenance of private ways is not permitted by this class if the development would result in either or both—

  (a) the widening of any part of the existing private way;
  (b) any private way being materially different from the private way existing before such development.”.

(d) in paragraph (5), at the end insert—

“(e) “materially different” means different in terms of construction, design, capacity or surface materials used”

(6) In class 22 of Part 7 (forestry buildings and operations) of Schedule 1—

(a) in paragraph (1) omit “formation, alteration or”;

(b) after paragraph (2) insert—

“(2A) Development consisting of the maintenance of private ways is not permitted by this class in the case of land within—

  (a) a site of archaeological interest;
  (b) a National Scenic Area;
  (c) a historic garden or designed landscape;
  (d) a battlefield;
  (e) a conservation area;
  (f) a National Park; or
  (g) a World Heritage Site.”.

(c) after paragraph (3) insert—

“(3A) Development consisting of the maintenance of private ways is not permitted by this class if the development would result in either or both—
(a) the widening of any part of the existing private way;
(b) any private way being materially different from the private way existing before such development.”.

(7) In the interpretation section of Part 8 (industrial and warehouse development) of Schedule 1, for the definition of “industrial building” substitute—

“‘industrial building’ means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an undertaking and land used for research and development of products or processes, but does not include a building or land in or adjacent to land occupied with a mine; and”

(8) For class 25 in Part 8 (industrial and warehouse development) of Schedule 1, substitute—

“Class 25—

(1) The provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purposes of the undertaking concerned.

(2) Development is not permitted by this class in the case of land within—

(a) a site of archaeological interest;
(b) a National Scenic Area;
(c) a historic garden or designed landscape;
(d) a battlefield;
(e) a conservation area;
(f) a National Park; or
(g) a World Heritage site.

(3) Development is permitted by this class subject to the following conditions—

(a) the hard surface must be made of porous materials; or
(b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.”.

(9) For class 27 in Part 9 (repairs to private lands and private ways) of Schedule 1, substitute—

“Class 27

(1) The carrying out on land within the boundaries of a private road or private way of works required for the maintenance of the road or way.

(2) Development is not permitted by this class if it would be development described in class 18 or 22.

(3) For the purposes of this class—

“private road” has the meaning assigned to it by section 151(1) of the Roads (S) Act 1984.”.

(10) For class 30 in Part 12 (development by local authorities) of Schedule 1, substitute—

“Class 30

(1) The erection or construction and the maintenance improvement or other alteration by a local authority of—

(a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building, works or equipment required for the purposes of any function exercised by them, on that land otherwise than as statutory undertakers;
(b) street furniture required in connection with the operation of any public service administered by them.”.

(11) In class 33 of Part 12 (development by local authorities) of Schedule 1—

(a) for “planning authority” substitute “local authority”;
(b) in paragraph (a) for “dwellinghouses” substitute “dwelling”;

15
(c) in paragraph (c) for “£100,000” substitute “£250,000”;
(d) after paragraph (c) insert—
“(d) in this class “dwelling” means a dwellinghouse, a building containing one or more flats or a flat contained within such a building.”.

(12) After Part 2 (sundry minor operations) of Schedule 1, insert Part 2A in Schedule 1 to this Order.

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
2012
“PART 2A
SHOPS OR CATERING, FINANCIAL OR PROFESSIONAL SERVICES
ESTABLISHMENTS

Class 7A

(1) The extension or alteration of a shop or financial or professional services establishment.

(2) Development is not permitted by this class if—

(a) the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 100 square metres;

 whichever is the lesser;

(b) the height of the building as extended or altered would exceed 4 metres;

(c) any part of the development, other than an alteration would be within 10 metres of any boundary of the curtilage of the premises;

(d) the development would result in a reduction in the space available for the parking or turning of vehicles;

(e) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;

(f) any part of the development would alter or extend beyond an existing shop front;

(g) the building as extended or altered is to be used for purposes other than that of the shop or financial or professional services establishment concerned.

(3) Development is not permitted by this class in the case of land within—

(a) a site of archaeological interest;

(b) a National Scenic Area;

(c) a historic garden or designed landscape;

(d) a battlefield;

(e) a conservation area;

(f) a National Park; or

(g) a World Heritage site.

(4) For the purposes of this class—

(a) the erection of any additional building within the curtilage of another building, whether by virtue of this class or other use, and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;

(b) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

(5) In this class—

“raised platform” means a platform with a height greater than 300 millimetres; and

“shop or financial or professional services establishment” means a building, or part of a building, used for any purpose within Class 1 or 2 to the Use Classes Order except for the purpose of [and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended] a shopping centre.
Class 7B

(1) **The erection or construction of a trolley store within the curtilage of a shop.**

(2) Development is not permitted by this class if—

(a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
(b) the height of the building or enclosure would exceed 2.5 metres;
(c) any part of the development would be within 20 metres of the curtilage of a building used for residential purposes.

(3) Development is not permitted by this class in the case of land within a conservation area.

(4) Development is permitted by this class subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

(5) In this class—

“shop” means a building used for any purpose within Class 1 of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

PART 2B

SCHOOLS, COLLEGES, UNIVERSITIES, HOSPITALS AND NURSING HOMES

Class 7C

(1) **The extension or alteration of—**

(a) a school, college, university or hospital building;
(b) a nursing home or building used for the provision of care (other than a use within Class 9 of the Use Classes Order).

(2) Development is not permitted by this class if—

(a) the gross floor space of the original building would be exceeded by more than—

(i) 25%; or
(ii) 100 square metres;

whichever is the lesser;
(b) the height of the building as extended or altered would exceed 4 metres;
(c) any part of the development, other than an alteration would be within 10 metres of any boundary of the curtilage of the premises;
(d) the development would result in a reduction in the space available for the parking or turning of vehicles;
(e) the development would result in any land used as a playing field when the development commenced being no longer capable of such use;
(f) the development would consist of or include the construction or provision of a veranda, balcony, or raised platform;
(g) the development would consist of or include the construction or provision of an incinerator;
(h) the development would constitute development of any of the classes specified in Schedule 2 (bad neighbour development); 
(i) the building as extended or altered is to be used for a purpose other than that of the undertaking concerned.

(3) Development is not permitted by this class in the case of land within—

(a) a site of archaeological interest;
(b) a National Scenic Area;
(c) a historic garden or designed landscape;
(d) a battlefield;
(e) a conservation area;
(f) a National Park; or
(g) a World Heritage site.

(4) In this class—

“care” means personal care including the provision of appropriate help with physical and social needs or support including medical care and treatment.

PART 2C
OFFICE BUILDINGS

Class 7D—

(1) The extension or alteration of an office building.
(2) Development is not permitted by this class if—
   (a) the gross floor space of the original building would be exceeded by more than—
      (i) 25%; or
      (ii) 50 square metres;
   (b) the height of the building as altered or extended would exceed 4 metres;
   (c) any part of the development would be within 10 metres of any boundary of the curtilage of the premises;
   (d) the development would result in a reduction in the space available for the parking or turning of vehicles;
   (e) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;
(3) Development is not permitted by this class in the case of land within—
   (a) a site of archaeological interest;
   (b) a National Scenic Area;
   (c) a historic garden or designed landscape;
   (d) a battlefield;
   (e) a conservation area;
   (f) a National Park; or
   (g) a World Heritage site.
PART 2D

Class 7E

(1) The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

(2) Development is not permitted by this class if the electrical outlet (including its casing) would—
   (a) exceed 0.5 cubic metres; or
   (b) face onto and be within two metres of a road.

(3) Development is not permitted by this class in the case of land within—
   (a) a site of archaeological interest;
   (b) a National Scenic Area;
   (c) a historic garden or designed landscape;
   (d) a battlefield;
   (e) a conservation area;
   (f) a National Park; or
   (g) a World Heritage site.

(4) Development is permitted by this class subject to the conditions that—
   (a) any name plate of the charging point provider or the energy supplier on the outlet (including its casing) must be no longer than 70 centimetres;
   (b) there must be no more than 2 name plates attached to the outlet (including its casing);
   (c) where 2 name plates are attached to the outlet (including its casing), each name plate must be facing in opposite directions;
   (d) any name plate must not be illuminated.

(5) Development is permitted by this class subject to the conditions that when no longer needed as a charging point for electric vehicles—
   (a) the development shall be removed as soon as reasonably practicable; and
   (b) the wall on which the development was mounted or into which the development was set shall, as soon as reasonably practicable, and so far as reasonably practicable, be reinstated to its condition before that development was carried out.

Class 7F

(1) The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical mounted on it for recharging electric vehicles.

(2) Development is not permitted by this class if the upstand and the outlet (including its casing) would—
   (a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
   (b) be within two metres of a road;
   (c) result in more than one upstand being provided for each parking space.

(3) Development is not permitted by this class in the case of land within—
   (a) a site of archaeological interest;
   (b) a National Scenic Area;
   (c) a historic garden or designed landscape;
   (d) a battlefield;
   (e) a conservation area;
(f) a National Park; or
(g) a World Heritage site.

(4) Development is permitted by this class subject to the conditions that—

(a) any name plate of the charging point provider or the energy supplier on the upstand or outlet (including its casing) must be no longer than 70 centimetres;
(b) there must be no more than 2 name plates attached to the upstand or outlet (including its casing);
(c) where 2 name plates are attached to the upstand or outlet (including its casing), each name plate must be facing in opposite directions;
(d) any name plate must not be illuminated.

(5) Development is permitted by this class subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

(a) the development shall be removed as soon as reasonably practicable; and
(b) the land on which the development was mounted or into which the development was set shall, as soon as reasonably practicable, and so far as reasonably practicable, be reinstated to its condition before that development was carried out.

PART 2E

Class 7G

(1) The erection, construction or alteration of any access ramp outside an external door of a non-domestic building.

(2) Development is not permitted by this class if—

(a) the combined length of all flights forming part of the access ramp would exceed 5 metres;
(b) the combined length of all flights and landings forming part of the access ramp would exceed 9 metres;
(c) any part of the ramp would exceed 0.3 metres in height;
(d) the combined height of the ramp and any wall (excluding any external wall of the non-domestic building), fence, balustrade, handrail or other structure attached to it would exceed 1.5 metres.

(3) Development is not permitted by this class in the case of land within—

(a) a site of archaeological interest;
(b) a National Scenic Area;
(c) a historic garden or designed landscape;
(d) a battlefield;
(e) a conservation area;
(f) a National Park; or
(g) a World Heritage site.

(4) In this case—

“non domestic building” means a building other than a dwelling or a building containing a dwelling;
“dwelling” means a dwellinghouse, a building containing one or more flats or a flat contained within such a building.
PART 2F

Class 7H

(1) **The provision of tables and chairs and other moveable equipment for the purposes of the consumption of food and drink on land consisting of a public footway and adjoining cafe.**

(2) Development is not permitted by this class if—
   (a) any part of the development would be within 3 metres of a road;
   (b) any part of the development would extend more than 4 metres from the frontage of the cafe;
   (c) any part of the development would extend beyond the width of the frontage of the cafe.

(3) Development is permitted by this class subject to the conditions that—
   (a) the development must be located directly in front of and be visible from the cafe;
   (b) all tables and chairs and other moveable equipment must be properly maintained and kept in a safe condition at all times;
   (c) in the interests of amenity, the development shall only operate between 8am and 9pm;
   (d) all table and chairs and other moveable equipment must be removed from the public footway—
      (i) at the end of the business day; or
      (ii) by 9pm;
      whichever is the earliest.

(4) For the purposes of this class—
   “cafe” means any building used for the sale of food or drink for consumption on the premises but excludes [ ].
ANNEX 2    PARTIAL BUSINESS REGULATORY IMPACT ASSESSMENT;

Title of Proposal
The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2012

Purpose and intended effect

Objectives
The Scottish Government's aim is to have a proportionate, efficient and effective planning system in place that helps to meet the overall objective of increasing sustainable economic growth. Part of this is ensuring that we have an appropriate level of planning control on developments, in particular that we do not require applications for planning permission unnecessarily. The purpose of this consultation is to identify the priorities for work in the ongoing review of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the GPDO). The GPDO grants a general planning permission across Scotland for a variety of developments which removes the need to apply for planning permission. This permission is often referred to as permitted development rights (PDR) and is subject to certain limitations and conditions.

The proposed amendments set out draft legislation to introduce changes to the GPDO. The draft changes proposed have been developed in response to concerns and comments on the GPDO through discussions with interested parties and public consultation.

Background
When the Planning etc. (Scotland) Bill was introduced in 2005 the Scottish Government undertook work to begin a review of the GPDO. Consultation on the GPDO has identified a number of areas where issues regarding PDR have been raised, asks about the recommendations of the Heriot-Watt research report on the Review of the General Permitted Development Order (published in 2007) and identifies issues such as climate change and flooding which have come to greater prominence in recent years.

Rationale for Government Intervention
While the GPDO has been amended numerous times since it was introduced in 1992, the view is that as part of the programme of modernisation of the planning system we should consider whether the PDR and related mechanisms in general are up to date and fit for purpose.
Consultation

- **Within Government**
  The Directorate for the Built Environment has consulted with colleagues in Scottish Government Legal Directorate.

- **Public Consultation**
  A total of 99 responses were received to an earlier consultation on the proposed amendments. The draft regulations were drafted in light of the responses to this consultation.

- **Business**
  The previous public consultation included a draft Business Regulatory Impact Assessment (BRIA) and invited comments. Comments were received from a number of business interests and representative bodies as well as planning authorities, individuals and other organisations. Comments have been incorporated into this BRIA. Further discussion with business interests will be conducted in parallel with this public consultation.

In general, respondents welcomed the new proposals. It was noted that the changes to PDR and in particular extending the scope of PDR to include developments associated with retail, commercial and other business interest would reduce the costs and time associated with planning consents and allow for greater certainty in planning any development of business.

**Options**

**Option 1 – Do nothing**

**Option 2 – Implement the proposed amendments and new classes to the GPDO.** Responses to the public consultation clearly demonstrate that this is the preferred option, particularly amongst business respondents.

- **Sectors and groups affected**
  Permitted development rights mainly affect developers, landowners, community groups and planning authorities. Landowners and developers may include individual persons as well as business interests.

- **Benefits**
  The benefit of permitted development rights are that for small, non-controversial developments there is no need to go through the planning system, thus reducing both the potential cost and the timescales of any such development. For business interests there is greater certainty that planned development of premises and facilities can proceed, and for planning authorities there is a freeing up of resources from having to deal with less applications.

- **Costs**
  Generally the proposals will extend existing PDR or create new PDR, therefore there would appear to be minimal scope for increasing costs as a
result of the legislation. It has been suggested that, certainly initially, there may be some costs to business in ascertaining whether or not development is permitted or not, however compared to the costs of preparing a full application these will be lower and such costs will naturally fall away as developers become familiar with the changes.

There is potential that a developer may incur costs and damage to their business if they inadvertently carry out work which subsequently transpires not to benefit from PDR. Such costs would primarily be associated with complying with planning enforcement. However, we consider that the risk of this is quite low and will fall as developers become familiar with the changes to PDR. It has also been suggested that there may be increased costs for planning authorities in monitoring developments to check whether or not they are indeed permitted development. There will always be an element of enforcement monitoring around the boundaries of PDR regardless of where these are set. While changes to the system may result in increased inquiries and monitoring for a period, we are of the view that in the long term there will be no net increase in enforcement costs for planning authorities.

Responses to the previous consultation indicated that the majority of respondents consider the potential benefits of the proposed legislative changes outweigh the costs and will encourage development.

Costs by sector;
- **Developers** – costs might be incurred for work carried out to ascertain whether or not development was permitted. Also potential costs associated with consents under other regimes, although this is not strictly a cost associated with the planning regime.
- **Public sector** – planning authorities will not receive any fee income for development that takes place under PDR. There may at the same time be a rise in inquiries regarding PDR which have no fee associated with them. There might also be a potential increase in levels of enforcement work.
- There are also some concerns that there may be an environmental cost through reduced control and regulation.

**Scottish Firms Impact Test**
- **Competition Assessment**
The proposals are not expected to impact significantly more on some firms than others nor restrict new entrants to the market. The legislation does not place any additional burden, over and above what is already in place, on businesses. Indeed, it is expected that other than the restrictions on the formation of new private ways and roads, there will be a net benefit to business.

- **Test run of business forms**
No new forms will be introduced as a result of this legislation therefore there is no requirement for a test run.
Legal Aid Impact Test
We do not believe that the proposed regulations would create any additional pressures on legal aid resources. This view has been confirmed with colleagues with policy responsibility for legal aid.

Enforcement, sanctions and monitoring
The regulations would not create any additional need for enforcement or monitoring of planning control, as there is currently a requirement for planning authorities to monitor development within their area.

Post-implementation review
The Government will monitor the impact of the changes through monitoring the number of applications to planning authorities. Reaction to how the changes have worked in practice and any particular areas of concern or uncertainty are likely to become quickly apparent through representations made by planning authorities, community bodies and business.

Summary and recommendation

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
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<tr>
<td>• Less costs for business in preparing planning applications for minor works</td>
<td>• Potential cost to planning authorities in handling queries in relation to PDR</td>
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<tr>
<td>• Less delay to the implementation of minor works while waiting for consent to be granted</td>
<td>• Potential increase in enforcement work due to misunderstanding of new PDR</td>
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<tr>
<td>• Removes element of uncertainty and risk from forward planning for businesses, allowing them to plan expansions, etc, with greater certainty</td>
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<tr>
<td>• Less applications to planning authorities allowing them to concentrate on non-pd applications which may be more significant or controversial</td>
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ANNEX 3 PARTIAL EQUALITIES IMPACT ASSESSMENT

The public sector equality duty requires the Scottish Government pay "due regard" to the need to:

- Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a relevant protected characteristic.

These three requirements apply across the "protected characteristics" of age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

Equality considerations are therefore integrated into all the functions and policies of Scottish Government Directorates and Agencies.

Equalities Impact Assessment (EQIA) enables us to consider how our policies may impact, either positively or negatively, on different sectors of the population in different ways.

What is the purpose of the proposed policy (or changes to be made to the policy)?

The consultation paper sets out the Scottish Governments' proposals on a number of refinements and amendments to the General Permitted Development Order (GPDO).

Who is affected by the policy or who is intended to benefit from the proposed policy and how?

There will primarily be a reduction of some procedural and financial burdens on planning authorities and developers.

How have you or will you put the policy into practice, and who is or will be delivering it?

The initial consideration of these procedural requirements rests with Scotland's planning authorities. There will be amendments as appropriate to the guidance issued by the Scottish Government.

How does the policy fit into our wider or related policy initiatives?

These changes will help improve clarity of the existing provisions and contribute to achieving a planning system which is efficient and fit for purpose.

What we already know about the diverse needs and/or experiences of the target audience
We are not aware of any evidence that any of the six equality strands (race, gender, age, disability, LGBT or faith) will be affected by the proposals. The proposals will affect all businesses, organisations and individuals seeking approval of a relevant planning application proportionately.

Do we need more information to help us understand the diverse needs and/or experience of our target audience?

We recognise that there is scope to increase our knowledge as to whether and if so how the proposals in the consultation paper may affect particular sections of society. To assist in this, we have included a specific question in the consultation paper seeking views on whether there are particular impacts on societal groups that we should be aware of.
ANNEX 4: THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

1. Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

2. The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

3. Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

4. All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: [http://www.scotland.gov.uk/consultations](http://www.scotland.gov.uk/consultations)

5. The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:
   - indicate the need for policy development or review
   - inform the development of a particular policy
   - help decisions to be made between alternative policy proposals
   - be used to finalise legislation before it is implemented

6. Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

7. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Responding to this consultation paper

8. We are inviting written responses to this consultation paper by **Friday 22 June 2012**.

9. Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:
10. We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received. Whilst questions have been provided throughout the document as a prompt, please feel free to respond to any part of the document and do not be limited only to responding to the questions posed.

11. This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at http://www.scotland.gov.uk/consultations.

12. The Scottish Government now has an email alert system for consultations: SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

13. We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

14. All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

15. Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library and on the Scottish Government’s website by 13 July 2012. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

16. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the order to be notified to the European Commission and laid before the Scottish Parliament. We aim to issue a report
on this consultation process at the time we lay the order in the Scottish Parliament. Unless parliament rejects the order, we anticipate these being in force 40 days following the date the order was laid in the Scottish Parliament.

Comments and complaints

17. If you have any comments about this consultation please send them to:

   Name:       David Reekie
   Address:    The Scottish Government, Area 2J South, Victoria Quay, Edinburgh. EH6 6QQ
   E-mail:     david.reekie@scotland.gsi.gov.uk
Consultation on The Town and Country Planning (Scotland) General Permitted Development Amendment Order 2012

RESPONDENT INFORMATION FORM

Please Note this form must be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation
   Organisation Name

   Title  Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐  Please tick as appropriate

   Surname

   Forename

2. Postal Address

   Postcode

   Phone

   Email

3. Permissions - I am responding as...

   Individual / Group/Organisation  Please tick as appropriate

   (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

   Please tick as appropriate  ☐ Yes  ☐ No

   (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

   Please tick ONE of the following boxes

   Yes, make my response, name and address all available

   Yes, make my response available, but not my name and address

   Yes, make my response and name available, but not my address

   (c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

   Are you content for your response to be made available?

   Please tick as appropriate  ☐ Yes  ☐ No

   (d) 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?

   Please tick as appropriate  ☐ Yes  ☐ No
CONSULTATION QUESTIONS

Q1. Are there any costs or benefits not identified in the draft BRIA?
Comments

Q2. Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA?
Comments

Q3. We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex 3 for your comment and feedback.
Comments

Part 1. Amendments to existing classes of permitted development.

Q4. Should we retain class 26? If class 26 should be retained are there any changes to the controls that would strike a better balance?
Yes ☐ No ☐
Comments

Q5. With regard to the proposed amendments to existing classes;
(a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐
(b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐
(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Comments


Q6. With regard to the proposed new classes 7E and 7F;
(a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐
(b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Comments

Q7. With regard to the proposed new classes 7A and 7B;

(a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Comments

Q8. With regard to the proposed new class 7C;

(a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes ☐ No ☐

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
Comments

Q9. With regard to the proposed new class 7D;

(a) Is the granting of permission, and the restrictions and conditions, clear?
Yes ☐ No ☐

(b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes ☐ No ☐
(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
   Yes □ No □

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
   Comments

Q10. With regard to the proposed new class 7H;

(a) Is the granting of permission, and the restrictions and conditions, clear?
   Yes □ No □

(b) Is the granting of permission, and the restrictions and conditions, reasonable?
   Yes □ No □

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
   Yes □ No □

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
   Comments

Q11. With regard to the proposed new class 7G;

(a) Is the granting of permission, and the restrictions and conditions, clear?
   Yes □ No □

(b) Is the granting of permission, and the restrictions and conditions, reasonable?
   Yes □ No □

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
   Yes □ No □

(d) Please identify and explain any changes to the controls that you think would strike a better balance?
   Comments