

Equality Impact Assessment – Results

Title of Policy	Permitted Development Rights Review - Phase 2
Summary of aims and desired outcomes of policy	New/extended permitted development rights and changes to the use classes order to support: <ul style="list-style-type: none">• The rollout of electric vehicle (EV) charging infrastructure.• The resilience and recovery of city, town and local centres.• Operational development at Scottish ports.
Directorate : Division : Team	Local Government and Housing : Planning, Architecture and Regeneration Division (PARD)

Background

PDR refer to those forms of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the planning authority. Specifically, PDR are contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).

The Scottish Government is currently undertaking a review of PDR in Scotland. This review involves taking forward new and extended PDR for a wide range of development types. Through Phase 2 of the programme, we are introducing changes to PDR, as well as to the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO). The UCO groups uses of land and buildings into classes, such as ‘Shops’, ‘Food and Drink’ and ‘General Industrial’, and specifies that changes between uses in the same class are not development requiring planning permission.

The changes are intended to help support:

- The rollout of electric vehicle (EV) charging infrastructure.
- The resilience and recovery of city, town and local centres.
- Operational development at Scottish ports.

By removing the need to seek planning permission before carrying out specified development or works, PDR and the UCO can help to provide greater certainty for applicants and save time and money associated with preparing a planning application. In doing so, this can help to promote wider Scottish Government objectives – including those related to EV charging, centres and ports. The Phase 2 measures :

- Increase the scale of EV chargers that may be installed under PDR, broaden the locations where PDR apply and extend the scope of the PDR to include associated apparatus and equipment.
- Provide greater flexibility to change the use of certain buildings and place furniture outside specified hospitality premises.
- Align port operators' PDR with those of airports.

The Scope of the EqIA

An EqIA has been carried out alongside the Phase 2 measures. Through this process we have considered the effects of the measures (positive and negative) and the extent to which they:

- Eliminate unlawful discrimination, harassment, victimisation or any other prohibited conduct.
- Advance equality of opportunity.
- Foster good relations between different groups.

The EqIA considered the impact of the Phase 2 measures on the following protected characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, sex, sexual orientation and religion or belief.

The EqIA process helped to inform the development of proposals that were consulted on between May and August 2022. A draft EqIA was published as part of the Phase 2 consultation. The EqIA findings, together with the responses to the consultation, have informed the refinement of the final Phase 2 proposals following the consultation. An [independent analysis](#) of the consultation responses has been carried out, it contains a detailed summary of respondents' views on each of the Phase 2 consultation proposals.

Key Findings

The effect of the changes provided for by Phase 2 is to allow specified works or development to be carried out without an application for planning permission being required. While that may help to incentivise such development, it does not – in and of itself – guarantee delivery. It is

for businesses, operators, developers and other relevant parties to determine whether to carry out development under the new provisions. Ultimately the impact of the Phase 2 measures will depend on the extent to which development provided for by the PDR/UCO changes takes place on the ground.

Overall, the Phase 2 measures are expected to have positive impacts on all groups, including those with protected characteristics. Insofar as the measures support the roll-out (and increased accessibility) of EV charging infrastructure, and this helps to improve air quality and tackle climate change, there may be positive impacts on particular groups. There may be positive impacts on children and young people (who are more likely to be adversely affected by poor air quality and long term effects of climate change) as well as older people and disabled people (both of whom are more vulnerable to poor air quality).

Insofar as the measures support the resilience and recovery of centres, there are likely to be positive impacts for those with protected characteristics. Thriving centres providing a range of accessible facilities and services are associated with multiple social, economic and environmental benefits. Successful centres which offer diverse and mixed uses can help to enhance a sense of community, place and advance equality by enabling all members of society to participate fully.

Obstructions located on the street (including the pavement) can affect the inclusiveness of the public realm in a way that disproportionately impacts disabled people. This includes wheelchair users, people with visual/hearing impairments as well as learning/non-visible disabilities. Street clutter can also disproportionately affect older people (age protected characteristic) and people using pushchairs/buggies (pregnancy and maternity protected characteristic). Insofar as measures lead to uncontrolled development on or adjacent to pavements, there could therefore be negative impacts on several groups. The Phase 2 consultation responses confirmed these potential impacts. Responses also indicated that the specific design and layout of EV charging equipment itself can affect the accessibility and inclusivity of public off-street charging locations.

The planning system is not the only regulatory process which has a bearing on the inclusiveness of the built environment. Notwithstanding any new/extended PDR, other controls would continue to apply to proposed development located on the street – such as consenting under Roads legislation and licensing. Land ownership (e.g. public ownership

of non-private roads) can also influence outcomes positively. With regard to moveable furniture adjacent to hospitality premises, the Phase 2 consultation (Question 30) specifically asked whether important matters like safety and inclusive access could continue to be controlled through other mechanisms, even if a PDR for such development were introduced. More than three quarters of those who responded to this question indicated that this would be the case. Many respondents referred to the Roads (Scotland) Act 1984 specifically. Where furniture is located on or adjacent to a public road – including the pavement – the roads authority’s consent is (and will continue to be) required under section 59 of that Act.

Recommendations and Conclusion

We have amended the final Phase 2 measures in light of the consultation feedback and EqIA findings. In particular:

- The new PDR for movable outdoor furniture associated with specified hospitality premises is subject to a condition that consent must be obtained from the relevant roads authority under the Roads (Scotland) Act 1984.
- A specific PDR for parties other than local authorities to install on-street EV chargers has not been taken forward through Phase 2. The regulatory landscape governing the installation of on-street charging equipment – including the provision of relevant utility connections – is complex and delivery models continue to evolve. As noted in the Phase 2 consultation, we want to avoid inadvertently creating gaps in the regulatory environment that could lead to uncontrolled provision of on-street chargers with no (or insufficient) public control or oversight. In this context, potential issues around inclusive access require further consideration before a new PDR in this regard is introduced.

Given the anticipated growth in EV ownership and likely increase in demand for charging infrastructure in locations other than off-street carparks, we will continue to keep the need for a specific PDR for on-street EV chargers under review.