

# Island Communities Impact Assessment – Permitted Development Rights Review: Phase 2

## Overview

This Island Communities Impact Assessment (ICIA) relates to Phase 2 of the Scottish Government’s Review of Permitted Development Rights (PDR). Overall, we consider that the changes being taken forward through Phase 2 of the PDR review will deliver positive benefits for island communities. The measures are not, however, considered likely to have effects on island communities which are significantly different from their effects on other communities (including other island communities).

## The Islands (Scotland) Act 2018 (the 2018 Act)

Section 8 of the Islands (Scotland) Act 2018 states that Scottish Ministers must prepare an ICIA in relation to a policy, strategy, or service, which, in its opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. These provisions came into force on 23 December 2020. In December 2020 the Scottish Government published guidance and a toolkit for the preparation of ICIA<sup>1</sup>.

## Policy objectives

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 local 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 the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO)<sup>2</sup>, that 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

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.

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<sup>1</sup> <https://www.gov.scot/publications/island-communities-impact-assessments-guidance-toolkit/>

<sup>2</sup> The UCO groups various uses of land/buildings into a series of separate classes and provides that a change between uses in the same class does not constitute development requiring planning permission.

- Align port operators' PDR with those of airports.

The changes to PDR and the UCO apply Scotland-wide.

## **Data Gathering and Consultation**

The Phase 2 measures have been informed by a public consultation carried out in summer 2022, as well as a sustainability appraisal incorporating Strategic Environmental Assessment (SEA) requirements, which was subject to public consultation in November 2019. The Phase 2 proposals are accompanied by an update to the sustainability appraisal and draft SEA Post Adoption Statement.

The Phase 2 consultation ran for three months (May to August 2022) during which the public was able to comment on the proposals – as well as the initial analysis in the consultation stage ICIA. No comments on the ICIA (or the specific effects of the proposals on island communities) were received.

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.

### EV Charging Infrastructure

The [National Islands Plan Survey](#) (July 2021) found that 3% of islands use EVs. Related to this, the [ICIA accompanying the National Transport Strategy 2 Delivery Plan](#) (October 2021) highlights a lack of EV charging infrastructure on the islands. It notes that increased provision could:

- Facilitate greater use of EVs on the islands.
- Help to support tourism by enabling visitors to charge safely.
- Support resilience of freight transport coming to and from islands.
- Create job opportunities linked to installation and maintenance of chargers.

This would suggest that the Phase 2 measures related to provision of EV chargers will have a positive impact on island communities.

### Changes of Use in Centres

Through Phase 2 we are introducing new PDR and changes to the UCO which, in summary, will provide greater flexibility to change the use of certain buildings and place furniture outside premises without a planning application having to be approved. These measures are intended to support the resilience, recovery and regeneration of Scotland's centres. If taken forward they would apply across the whole of Scotland – including the Islands. To the extent that the measures support these outcomes, they should have a positive impact on island communities.

One of the specific measures being taken forward is to create a merged use class, bringing together uses previously falling within classes 1 and 2: this builds on a recommendation of the Town Centre Review Group in their report [A New Future for Scotland's Town Centres](#) (February 2021). The effect of merging classes would therefore be to take additional changes of use out of the scope of planning control.

Such an amendment is intended to help centres become more flexible and responsive to changing circumstances; it would also reflect the extent to which

centres (and the pressures they face) have evolved in recent years. The Phase 2 consultation and the accompanying Business and Regulatory Impact Assessment (BRIA) acknowledged that such deregulatory changes could lead to a loss and/or concentrations of certain uses in particular locations. For example, by allowing shops to change to cafes or restaurants without a planning application needing to be submitted<sup>3</sup>. Where communities are served by a single shop or general store, this has the potential to reduce the accessibility of local services. The consultation ICIA acknowledged that this could be a particular issue in rural areas, including Island communities. However, none of those who responded to the Phase 2 consultation highlighted this as an area of concern.

**Port Development**

The Phase 2 measures apply to all ports to which PDR under Class 35 of the GPDO are applicable – including island ports. The impacts and outcomes of the proposed measures are not expected to differ in the islands notwithstanding the particular importance of ports to island communities.

**Conclusion**

Overall, the proposed Phase 2 measures are expected to deliver benefits for island communities. Those related to EV charging infrastructure and ports are anticipated to be of particular benefit. However, the measures are not considered likely to have effects on island communities which significantly differ from their effects on other communities (including other island communities).

**Authorisation**

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<sup>3</sup> Although class 3 uses have not been included within the new merged use class, we are taking forward a new PDR authorising the change of use of a building from class 1 to class 3 – unless the it is adjacent to a dwelling.