

## Equality Impact Assessment – Results

<b>Title of Policy</b>	Permitted Development Rights Review (PDR) - Phase 3
<b>Summary of aims and desired outcomes of policy</b>	New/extended permitted development rights for domestic and non-domestic renewables, alteration/replacement windows and electricity network infrastructure.
<b>Directorate : Division : Team</b>	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. Phase 3 of the review is focussed on addressing the climate and cost of living crises. In particular, the measures are intended to help support:

- deployment of domestic and non-domestic renewables equipment, such as solar panels, wind turbines and heat pumps.
- Alteration or replacement of windows to improve energy efficiency.
- roll-out of electricity network infrastructure.

By removing the need to seek planning permission before carrying out specified development or works, PDR 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 the climate change and cost of living crises.

## **The Scope of the EqIA**

An EqIA has been carried out alongside the Phase 3 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 3 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 2023. A draft EqIA was published as part of the Phase 3 consultation. The EqIA findings, together with the responses to the consultation, have informed the refinement of the final Phase 3 measures. An independent analysis of the consultation responses has been carried out, it contains a detailed summary of respondents' views on each of the consultation proposals.

## **Key Findings**

The effect of the changes provided for by Phase 3 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 individuals, businesses, operators and other relevant parties to determine whether to carry out development under the new provisions. Ultimately the impact of the Phase 3 measures will depend on the extent to which development provided for by the PDR changes takes place on the ground.

Overall, the Phase 3 measures are expected to have positive impacts on all groups, including those with protected characteristics. Insofar as the changes support the rollout of alteration/replacement windows, renewables technologies and supporting network infrastructure there may be positive impacts for those groups who are disproportionately affected the effects of climate change. Over the medium to longer term, improvements in energy and thermal efficiency may help to reduce household costs. Such benefits would affect all groups. However, there may be particular benefits for those groups who are disproportionately

represented among lower income households and/or who have higher energy and heating costs. Conversely, the EqIA and consultation responses indicated potentially negative impacts where removal or restriction of PDR (e.g. for flues) could increase costs for certain groups. The EqIA identified that amenity impacts associated with domestic renewable equipment could affect those who may need to spend more time at home.

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. Such impacts were identified in the Phase 3 consultation, the associated EqIA and consultation responses – and were relevant in the context of the proposal to extend PDR for reverse vending machines. That is why the consultation sought views on potential safeguards/mitigations (e.g. minimum pavement widths, size limits) and underlined that even if PDR were amended, other regulatory controls would continue to apply – notably the need to obtain consent under the Roads (Scotland) Act 1984 for obstructions placed on a road/pavement.

### **Recommendations and Conclusion**

The overall equality impacts of the Phase 3 PDR package are considered to be positive. The final measures have been amended in response to consultation feedback and some consultation proposals are not being taken forward at the current time. This includes proposed changes to PDR for reverse vending machines and certain domestic flues. The Policy Note accompanying the Phase 3 statutory instrument explains how proposals were amended in response to consultation feedback and why certain proposals were not taken forward.