

Planning Development Delivery Team
(PDR Review)
Scottish Government
Area 2F South
Victoria Quay
EDINBURGH
EH6 6QQ

03 August 2022

To whom it may concern,

Response to: The Scottish Government: Review of permitted development rights - phase 2 consultation.

Scottish Renewables is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 300 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change.

Our members work across all renewable energy technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainably heat and power Scotland's homes and businesses.

Scottish Renewables (SR) welcomes the opportunity to provide our view on The Scottish Government's consultation on its Review of permitted development rights – phase 2.

We broadly welcome and support the measures set out in this consultation. Our comments relate to the use of solar on electric vehicle charging infrastructure and port development.

In responding, we would like to highlight the following points:

- Unlike their European port competitors, Scottish ports are not yet fully equipped to provide the supply chain requirements that Scotland needs to meet our green energy ambitions.
- Recent announcements for our ports have given a glimpse of the economic revitalisation offshore renewables offer, yet to reach their full potential enhanced government support is needed. Whilst the Green Freeport program is welcomed by industry, further development measures will be required for the ports that are not successful in this process.
- All strategic Scottish ports must be supported by The Scottish Government in order to build the essential supply chain and manufacturing base for offshore renewables. A program should be created offering financial incentives and support for infrastructure development. It should

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also promote ports as a hub for green skills development, working with colleges, to support the growth of a diverse and skilled green workforce.

- Enhancing port infrastructure and promoting ports as green skills hubs will ensure island and coastal communities across the nation benefit from the fresh economic investment and regeneration opportunities which a home-grown clean energy supply brings. The program will help to stimulate growth for supply chain companies and foster export opportunities.

Scottish Renewables would be keen to engage further with this agenda and would be happy to discuss our response in more detail.

Yours sincerely,

A handwritten signature in black ink that reads "Helen A. Melone". The signature is written in a cursive style with a clear, legible font.

Helen Melone
Senior Policy Manager – Heat, Hydrogen & Solar
Scottish Renewables

Consultation Questions

Solar for electric vehicle infrastructure

Q6. Do you agree with the proposal to introduce PDR for solar canopies and related battery storage and equipment housing for EV charging upstands in off-street parking areas?

Yes, we agree with this proposal. Scotland's travel infrastructure must incorporate renewable energy generation to support low emissions and electric vehicles, for example solar panels on public buildings and car park roofs.

Although we recognise that this phase of the PDR review is concentrating on EV charging, it would be remiss of us not to use this opportunity to make points about solar energy. We do not agree, therefore, that solar energy should only be used for electric vehicle charging; solar canopies could offer other benefits such as green, integrated infrastructure to surrounding communities and service buildings.

Q8. Do you agree with the list of areas within which new PDR for such solar canopies and related battery storage and equipment housing should not apply? Please explain your answer.

Solar canopies and related battery storage for EV charging stations should be allowed and their placement can be carefully considered, in conservation areas and National Parks, thus helping to create infrastructure for sustainable tourism. Solar canopies could be added to rest areas and parking lots without detracting from the natural beauty of the surrounding landscape.

Q10. Do you agree with the proposal that any new PDR for solar canopies, battery storage and equipment housing for EV charging upstands in off-street parking areas should not apply within 5 metres of a road and 10 metres of the curtilage of a dwelling?

We do not agree with this proposal, as it unnecessarily constrains the development of solar to use in conjunction with EV charging stations.

With the move away from internal combustion engines to fully electric vehicles, PDR should apply to solar canopies within 5 metres of a road (which has a broad definition in the consultation and includes foot and cycle paths). If not, then this will be a barrier to the growth of sustainable transport in Scotland.

We note that the potential for rapid expansion of solar in Scotland is severely constrained by the current regime of permitted development rights, which only extends PDR to projects up 50kW in size (approximately 250sqm – compared to 5,000sqm in England). This limit artificially constrains the potential for commercial rooftop solar projects and increases regulatory complexity for businesses. Although, as noted above, we do recognise that this phase of the PDR review is limited to solar use for EV charging, and that PDR for micro renewables will be consulted upon at a later date in the review.

Port development

Q33. Do you agree that, with respect to the PDR, there should be a level playing field between English and Scottish ports?

We agree that, with respect to the PDR, there should be a level playing field, in principle, between English and Scottish ports. However, this levelling must not result in any reduction in current permissions.

In addition, private ports such as Nigg in Scotland, do not benefit from PDRs at present so, to ensure a level playing field, both private and public ports should be included. Many of the ports which will be developed for the renewables sector are private ports.

Q34. With respect to the amendments in England (see Box 5), what do you think the practical effect of making an equivalent change to Class 35 PDR would be – in terms of developments/activities that would be permitted which are not currently?

It is currently unclear what the actual effect of making an equivalent change to Class 35 PDR would be, as no definition of services and facilities is provided.

Our concern is that there would need to be case law to define these terms and that the legislation may not be implemented as intended. This could mean varying interpretations by the different parties involved.

The exclusions are more extensive than existing legislation and add the requirement for consultation with the local authority.

Currently, marine developments, such as new quays, etc. are consented by Marine Scotland and any land-based works (e.g., creation of adjacent storage areas or factories) is consented by the local planning authority. For PDRs to be effective to speed up port developments, then they would need to be able to cut across both consenting authorities.

Q35. Do you think there is potential to widen the scope of Class 35 PDR further?

As detailed in Section 1.16 PDR does not apply when an Environmental Impact Assessment (EIA) is needed, or if there are Likely Significant Effects (LSE) under The Conservation (Natural Habitats, &c.) Regulations 1994. As such, this will limit developments which can be completed under PDR.

Therefore, widening Class 35 PDR further is unlikely to increase the developments, which can be completed under Class 35 anyway, especially when considering Schedule 2, Section 13 of the EIA Regulations.

Class 35 could, however, benefit from recognising that the Harbour Authorities are Relevant Authorities under the Habitat Regulations. As such, projects being considered under The Conservation (Natural Habitats, &c.) Regulations 1994 do not need to be considered by planning authorities, in that



LSE are appropriately considered and Appropriate Assessments completed by the Harbour Authority in line with the regulations.

Q36. Do you agree that Masterplan Consent Area (MCA) could be a useful tool to provide more extensive planning freedoms and flexibilities in Scotland's ports?

We believe this may be a useful tool however, some projects will also be subject to marine licencing and hence that will become the constraining factor.