

Date	<b>28 January 2020</b>
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## **Introduction**

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Scottish Land and Estates (SLE) is a member organisation representing the interests of Scottish land owners, farmers and estates. Our vision is for profitable land-based businesses able to contribute to resilient rural economies helping rural Scotland thrive. We consider the planning system is a key aspect of enabling the diverse mix of businesses in which our members are engaged.

SLE welcomes the opportunity to respond to the Scottish Government's proposals for extending permitted development rights (PDR). It is our view, that in order to meet changing demands and challenges of the twenty first century, planning authorities should be empowered to apply flexible policies that enable appropriate development rather than restrict it. We believe an enabling approach to rural development is required to help stimulate more diverse and resilient rural communities.

Whilst we welcome the broad proposals to extend PDR in a number of areas, we recognise that this should be done in a sensitive manner, taking into consideration site and design and ensuring that unnecessary damage to biodiversity can be avoided. In our view, these proposals represent an opportunity to unlock development that will build thriving rural communities and help tackle climate change.

### **Q1. Do you have any comments on the proposed Work Programme, including the proposed phasing of the groupings?**

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In general, SLE is supportive of the proposed work programme and its phasing approach. We have made comments on some of the specific topics below, where we have not commented on a specific proposal, this can be taken to mean that SLE has no strong view at this stage.

**Digital communications infrastructure** – In general, SLE would recommend introducing existing PDR in designated areas and extended permitted height outside designated areas. However, as we expressed in our response to the scoping work, we consider an appropriate balance must be struck in relation to development in conservation/designated areas. Therefore, both of these options could be subject to prior notification and approval so that planning authorities have the opportunity to weigh up the potential for positive and negative impacts.

Caution also must be taken to ensure the planning system continues to offer protection against inappropriate developments, for example, within the historic environment. We consider that this is, and would continue to be, achieved through listed building consent.

SLE agrees that simplifying the process of developing digital communications infrastructure – particularly for broadband and mobile coverage – could have the potential to bring significant positive impact, socially and economically, to rural communities in Scotland.

**Agricultural developments** – SLE welcomes the proposals around agricultural developments and we strongly support the rationale for extending PDR outlined in the SA. We support increasing PDR for farm sheds beyond the curtilage of a building or structure to 465m and for polytunnels, we support PDR for up to a percentage of land holding area.

We welcome proposals for agricultural buildings to dwellinghouses and for flexible commercial use. SLE takes a different view the minor negative effects that have been noted in SA. We consider these PDRs would have significant positive impact to rural communities, socially, economically and environmentally. Cultural heritage can be enhanced by allowing development to breathe new life into old buildings – even if this might mean a change of use. In our view, a farmer or owner will only choose to make a change of use when it is beneficial to do so, and if they are not empowered to make a necessary change, this may even lead to detrimental impacts on cultural heritage.

Furthermore, we consider that allowing conversion of agricultural buildings into housing could help reduce carbon emissions where it results in farm employees being able to live on site where that was previously not possible. SLE consider there would be similar benefits to PDR for conversion to certain commercial uses.

**Micro-renewables** – SLE welcomes the inclusion of PDRs for micro-renewables. We are fully supportive of utilising PDR to re-energise the sector which has been hit with ending of the FIT Scheme as well as an amended RHI Scheme which is now subject to retrospectively rigorous inspection and compliance monitoring. We hope that PDRs in this area will go some way to reversing these impacts which have subdued investment in the sector at a time when it is most needed.

**Peatland restorations** – We agree that peatland restoration can create benefits in terms of carbon management and carbon storage as well as benefits to species, habitats and flood management. This is why SLE supports proposals for permitted development rights for peatland restoration.

**Hill tracks** – Well designed tracks in the right place are a positive type of development, delivering a variety of ‘public good’ in rural Scotland. SLE welcomes the opportunity to review the current system of prior notification and approval for ‘hill tracks’ and while there is no specific mention of this topic in the SA, we note that the possibility of permitted development rights for access tracks relating to new ground based masts and snow sports is proposed. We acknowledge the impacts and benefits of extending these types of PDR and are satisfied with the mitigation proposed.

On the wider review of hill tracks SLE considers it important to point out hill tracks are an integral part of running a rural business in Scotland. Where they have been constructed under PDR for the primary use of agriculture or forestry operations, their existence often allows for other operations with benefits such as, access: to telecommunications masts; for peatland restoration; for fence building; to plant forestry; for vermin control; bothies; to mountain biking; for hill walkers; for mountain rescue; for wildlife and estate tours; for wildlife monitoring; encourages human access along linear routes and minimises disruption to wildlife, vegetation and soils outside the track boundary; and minimises proliferation of routes used by cross-country vehicles such as Argo cats and quadbikes that are required to facilitate deer management etc.

Without further detail on the scope of the review on hill tracks at this stage we make the following suggestions for consideration. We recognise that there may be improvements to the current prior notification and approval system to ensure it performs better. Our members suggest clearer guidance over what constitutes ‘maintenance’ compared to ‘alteration’ would be valuable, and it may be beneficial if planning authorities are *required* to produce guidance on hill track construction, including more detail on what information should be provided at the notification stage. Or perhaps the Scottish Government could set out more detailed guidance at national level, for example, as it has done through its ‘Guidance on Householder Permitted Development Rights (Circular 1/2012)’, which comes complete with detailed diagrams and explanations.

We also note that the 28-day-target for handling applications is sometimes not met. This can be critical for those in the forestry and agriculture sector, as it could cause significant delays in operations impacting on business resilience. This could be addressed by having established procedures in place for both the applicant and planning authority to follow. Perhaps there could be a standardised template across all local authorities for the applicant to fill in to help this process. We recognise there is probably an increased roll for multi-media to play in enabling planning authorities to process work more efficiently, for example, there may be scope to include ‘before and after’ photographs of the site in question during the prior notification process. This would help with data collection and more effective monitoring of future maintenance and/or alteration etc.

Given the proposals around PDR for access tracks for renewable installations, we consider it appropriate to look more closely at the case for removing the need for prior notification and approval of forestry tracks. Currently, tracks for forestry will need to be planned to meet Environmental Impact Assessment (EIA) regulations, planning and UK Forestry Standard requirements. Additionally, the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR, as amended) also apply to forestry projects. Where forestry is concerned, we consider the prior notification process to be an unnecessary requirement that has resulted in the double-handling of applications – as was noted in the 2016 Ironside Farrar report. We therefore suggest that where scoping for an EIA for a forest road has been or will be carried out with Scottish Forestry, a prior notification should not be required due to duplication of work. This also helps address issues around lack of resources for planning authorities.

We welcome the opportunity to engage further and provide more detailed proposals for Scottish Government in due course.

**Electric vehicle charging infrastructure** – SLE agrees with the rationale for extending PDR in this area and would add that consideration should be given to prioritising such work in a rural context – where single person car travel is often unavoidable. We consider there is no need to exclude National Parks from the PDR in this case. It is our view that charging points will have a significant positive contribution to make in combatting the climate emergency which should outweigh any visual negative effects which could be mitigated by landscaping etc.

**Energy storage** – We are generally supportive of the proposals to extend PDR in this sector. However, we share concerns over the potential significant negative impacts on cultural heritage and landscape etc. where there is no pre-existing consenting process. However, these impacts must be balanced with the ability to combat climate change through the storage of energy. We welcome the proposals on mitigation of negative effects where scale and location are considered as restrictions in certain areas.

**Habitat pond creation** – SLE welcome this proposal. However, we would consider that a potential minor impact on food security and a local farm-based economy have been overlooked. These impacts would depend on the size of any pond or habitat creation which could be developed under this PDR. If they are to be relatively small, the impact could be negligible, but if the area concerned is large, removing a large amount of farmland has the potential to affect the sustainability of an existing business.

**Allotments and community growing schemes** – We welcome this proposal. It is our view that the minor negative impacts identified will largely depend on the previous land use. We accept the mitigation of negative effects.

We look forward to further engagement as more detailed proposals come forward.

**Q2. What are your views on the accuracy and scope of the information described in the SA report as regards:**

- a) **environmental baseline?**
  - b) **social baseline?**
  - c) **economic baseline?**
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SLE considers these baselines to be generally accurate.

**Q3. What are your views on the predicted effects set out in the SA report as regards:**

- a) **environmental effects?**
  - b) **social effects?**
  - c) **economic effects?**
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As outlined above, we consider the effects to be generally positive, and where there are potential negative impacts there should remain planning policies in place to mitigate those effects, for example, listed building consent or Environmental Impact Assessments.

We do not consider there to be any real negative impacts associated with PDRs for converting agricultural buildings into dwellinghouses and commercial property. In particular, you have identified a flooding risk, however this should be balanced with the mitigation that would arise from not adding additional housing stock into the system, thereby not adding to runoff. Also, SLE seek clarification as to why bringing vacant farm buildings into use would create 'minor positive' effects in relation to soil.

**Q4. What are your views on the findings and the proposals for mitigation and monitoring of effects set out in the SA report with regard to:**

- a) environmental matters?
  - b) social matters?
  - c) economic matters?
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SLE is generally supportive of these findings (see some of the points made in answer to question 1).

**Q5. Do you have any other comments on the SA report?**

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It is fair to say that the SA report is a considerable size and is not easy to digest and comment on. It may have been more useful to separate each phased section and release the SA before each separate consultation round.

We think that in addition to the proposed Permitted Development Rights outlined in the SA it may be worth looking into PDR for hutting developments. We would welcome further discussion around this.