



T: 0131-244 0237
E: chief.planner@gov.scot

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Dear Colleague

Scotland's planning system and planning services have demonstrated great flexibility and resilience since the start of the COVID-19 pandemic, to maintain a functioning system and to provide much-needed, and welcome, support for people, businesses and society as a whole during some very difficult times. In our last update letter in July, we confirmed that the emergency legislation and our guidance on relaxing planning controls during the pandemic would all come to an end at the end of September 2022.

We are all aware of further, very significant pressures affecting people, businesses, public services and the third sector across our communities right now, as a direct result of Russia's illegal invasion of Ukraine and of the severe economic upheaval our country is facing.

We are again asking for Scotland's planning and development community to show resilience and flexibility in reacting positively to these major challenges. In this letter, we address some actions which we can take in our planning system, including through the ongoing implementation of planning reform, to help to support our national response to these challenges in the short and medium term.

Emergency accommodation for Ukrainian refugees – relaxation of planning control

In light of the ongoing conflict in Ukraine, the Scottish Government is working to provide a coordinated response to support displaced Ukrainians entering Scotland.

To help meet the needs of large numbers of displaced people arriving in Scotland, a significant effort is underway to ensure suitable accommodation is made available across the country. The Scottish Government is working together with its public sector partners to identify appropriate opportunities. Challenges with the matching services for people arriving under the Super Sponsor Scheme and shortages of other suitable options mean there is an urgent need to provide more short term accommodation.



We want to ensure that the planning system plays its part to support delivery of emergency accommodation, especially where this may involve a temporary change of use of existing assets, for example leisure accommodation.

We are asking all planning authorities to help support the provision of short-term accommodation and associated infrastructure where possible and appropriate, and to take account of that need when considering potentially unauthorised temporary use of buildings or land. Planning authorities are asked to take a pragmatic approach and exercise their discretion by allowing temporary breaches of planning control where this is considered reasonable to swiftly make available appropriate accommodation for displaced people arriving in Scotland from Ukraine.

Cost crisis – supporting households and businesses

You will also be aware and involved in public sector support to households and businesses to address the ongoing cost crisis. Whilst we appreciate that in many cases planning authority resources are already stretched, it would be very helpful if applications that in some way help to build short or longer term resilience and provide support during this challenging time can be prioritised and dealt with as quickly as possible. Examples might include planning applications for the installation of alternative energy generation in homes or businesses, or proposals which help businesses to diversify or adjust their operating arrangements.

It is understood that this may impact on overall planning authority performance, which is still of course of great importance to the economy as a whole. However, in relevant performance reports authorities will have an opportunity to provide evidence on how they have prioritised speed of decision-making on applications which mitigate the impact of the current cost crisis, and any impact this may have had on wider performance.

Review of Permitted Development Rights

Phase 2 Update

Over the summer, we consulted on the second phase of our permitted development rights (PDR) review programme. The [Phase 2 consultation](#) proposed new and extended PDR – as well as changes to the use classes order (UCO) – to help support:

- the roll-out of electric vehicle charging infrastructure;
- the resilience and recovery of Scotland's centres; and
- operational development at ports.

One of the proposed measures to support our centres was a new PDR for moveable furniture (e.g. seating, tables, counters, heaters and other structures connected to serving and consumption of food or drink outdoors) located on the road – including the pavement – adjacent to hospitality premises falling within class 3 of the UCO. The proposal reflected that such use of outdoor space can help to make places more vibrant and welcoming; it also recognised that where structures are placed on a public road, controls outwith planning would continue to apply, which could potentially be used if, for example, there were concerns about safety or accessibility.

Making use of outdoor spaces in this way has enabled many businesses to continue to operate safely in the context of public health restrictions connected to the coronavirus pandemic. The need to act swiftly may in some cases have prompted operators to carry out

development without seeking planning permission beforehand. In recognition of these unique circumstances and the significant challenges facing many businesses and other services, our earlier guidance asked authorities to take a pragmatic approach to the enforcement of planning control during the pandemic. That guidance could not remain in place indefinitely and since [November 2021](#) we have signalled that it was to be withdrawn at the end of September 2022. This extended notice period was intended to provide those seeking to make changes permanent sufficient time to apply for retrospective permissions.

We recognise that – in light of the Phase 2 consultation – some parties may have delayed seeking retrospective permission for outdoor seating areas in anticipation of the works being authorised by a future PDR. We have been giving careful consideration to the consultation outcomes and are currently working through options, and will lay regulations in the Scottish Parliament providing for changes stemming from the Phase 2 consultation at the earliest opportunity. Notwithstanding the withdrawal of guidance on the relaxation of planning control during the pandemic, planning authorities should take this evolving context into account when considering the expediency of any planning enforcement action at this time.

Renewable Energy Equipment

The [PDR review programme](#) is being taken forward in phases, with each phase focussing on particular development types. It has always been our intention that through the review programme, consideration would be given to extending PDR for domestic and non-domestic renewable energy equipment – including non-domestic solar panels. In light of the current cost and climate crises, we recognise people and businesses may consider that making an investment now in renewable energy for their premises could prove invaluable in securing their immediate and long-term resilience. We will bring forward our consideration of PDR for such development and address this through Phase 3 of the review, and we intend to consult on Phase 3 proposals early in 2023.

There are already extensive PDR for the installation of a range of domestic microgeneration equipment for houses and buildings containing flats. More information can be found in our guidance on [householder PDR](#). There are also existing PDR for the installation of [non-domestic microgeneration equipment under Part 1B of the GPDO](#). See summary at Annex A.

NPF4 update

Finally, we would like to take this opportunity to provide a brief update on the progress with National Planning Framework 4. In our draft NPF4, published last November, we proposed a significant change of direction for the planning system in Scotland, with a strong focus on climate change and nature recovery to support our long-term resilience; including, for example, strong support for renewable energy and local living, which can also bring wider benefits in reducing household and business costs.

Drawing on the great wealth of information and views provided to us through the Scottish Parliament scrutiny and public consultation and engagement, we are now preparing to lay a finalised NPF4 in the Parliament this autumn for approval. We will seek to adopt NPF4 as soon as we can following approval, including its new status as part of the development plan and so move swiftly into delivery.

Staying in touch

We hope you find this update helpful and are able to support the actions we are promoting for our planning system at this time. Your feedback is always very welcome. Please send any thoughts you wish to share to chief.planner@gov.scot.

Please also make sure you follow us on Twitter [@ScotGovPlanning](https://twitter.com/ScotGovPlanning) and [@DigiPlanningSG](https://twitter.com/DigiPlanningSG) and [register for Planning and Architecture News updates](#).

Yours faithfully



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth

Annex A

The GPDO provides PDR for the following microgeneration technologies, subject to specific restrictions including scale, height, placement and, in some cases, if located in conservation areas, listed buildings and World Heritage Sites:

- Domestic solar photovoltaic (PV) or solar thermal equipment on buildings (class 2B) and freestanding solar within the curtilage of houses (class 3B);
- Domestic biomass or combined heat and power system flues (class 6C and 6F);
- Domestic ground source heat pumps (class 6D);
- Domestic water source heat pumps (class 6E);
- Domestic free standing wind turbines (class 6G);
- Domestic air source heat pumps attached to the rear or side wall of a house or flat (class 6H);
- Non-domestic solar PV or thermal equipment installed on a building (class 6J) (total output capacity for all panels on the building may not exceed 50kW electricity or 45kW of thermal heat);
- Underground pipes for non- domestic ground and water source heat pumps (class 6I);
- Extension or alteration of industrial buildings or warehouses for burning biomass and associated storage (class 6M);
- Agricultural buildings or structures for biomass or biogas (anaerobic digestion), and associated flues (class 6L);
- Forestry buildings for energy from biomass, or biogas (anaerobic digestion) and associated flues (class 6L);