



Notification Number: 2015/641/UK

## The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2016

Date received : 17/11/2015

End of Standstill : 18/02/2016

### Message

Message 001

Communication from the Commission - TRIS/(2015) 03569

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2015/0641/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201503569.EN)

#### 1. Structured Information Line

MSG 001 IND 2015 0641 UK EN 17-11-2015 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
European Reform Directorate  
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#### 3. Originating Department

Planning and Architecture Division  
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#### **4. Notification Number**

2015/0641/UK - N20E

#### **5. Title**

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2016

#### **6. Products Concerned**

The draft Order proposes increased permitted development rights for air source heat pumps on domestic buildings. As such consumers (home owners), suppliers and installers of air source heat pumps will not require planning permission under the terms of the Order making it cheaper and less time consuming to install the technology.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) makes allowances for a range of buildings, technologies and other developments to go ahead without the need for planning permission. This is referred to as permitted development (PD). The GPDO currently provides for some PD rights for air source heat pumps (ASHPs); the draft Order proposes amendments to the GPDO to increase PD rights for ASHPs, allowing for more circumstances in which ASHPs will not require planning permission for installation on and within the curtilage of domestic buildings. The key changes proposed to existing PD rights include:

- removing the current requirement for ASHPs not to be less than 100 meters from the boundary of another domestic property ;
- removing the requirement for prior approval;
- noise impacts from air source heat pumps to be addressed through application of the Microgeneration Certification Scheme (MCS) Planning Standards 020;
- removing the requirement for ASHPs not to be visible from a road in a Conservation Area. We propose to allow ASHPs on buildings in Conservation Areas but restricted to the rear and ground floor siting.
- Removing consideration of impact on amenity;
- allowing for one ASHP on a building, which includes houses and flats and that an ASHP should be allowed in the back gardens of houses and flats except in Conservation Areas. Where they are allowed in back gardens we are proposing a 3 m height restriction;
- allowing for an ASHP to be PD within a 1 meter bubble around a building. The one meter bubble is a concept that already exists within householder PD rights which we wish to extend to ASHPs. We propose that an ASHP would be PD anywhere within the 1 meter bubble, except for the restrictions in Conservation Areas indicated above.
- We propose that the restrictions proposed in the consultation document on ASHPs within National Parks will no longer apply. These restrictions are not considered necessary given limited potential landscape impacts and that townscape will be protected by Conservation Area status.
- We recommend that the existing restrictions on PD rights in the curtilage of a listed building and in World



Heritage Sites remain.

The changes proposed address the main points that arose from the public consultation exercise carried on draft proposals in the summer of 2015.

Please note that there is a particular urgency attached to the consideration of the draft Order. Because of the Scottish election in May 2016 there is very limited time available for the Order to be laid before the Scottish Parliament for their approval prior to the dissolution of Parliament on 24 March. Timeous consideration of the Order would be greatly appreciated.

### **9. Brief Statement of Grounds**

Microgeneration has the potential to play an increasingly important role in helping Scotland meet its carbon reduction targets. The Scottish Government is keen to encourage householders to make more use of microgeneration renewable technologies. The current requirements for a planning application and approval for ASHPs (outwith existing PD rights) involves cost, uncertainty and delay for those wishing to install ASHPs on domestic buildings. As the draft Order proposes increased circumstances where ASHPs would not require planning permission this would make the installation process more affordable, quicker and simpler. As such it will impact positively on householders seeking to install the technology and on businesses making and installing the equipment. It will positively address equality issues by making it easier and cheaper to access renewable heat sources, reducing the reliance on potentially more costly fossil fuel alternatives and addressing fuel poverty.

The changes will provide a more consistent approach for businesses, bringing PD rights in Scotland more into line with those in England and Wales.

### **10. Reference Documents - Basic Texts**

References of the Basic Texts: - Consultation document on proposals (please note that the consultation document includes proposals for non-domestic solar panels. These proposals are not being taken forward at this time and do not form any part of this notification).

- Analysis of consultation responses

### **11. Invocation of the Emergency Procedure**

No

### **12. Grounds for the Emergency**

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### **13. Confidentiality**

No

### **14. Fiscal measures**

No

### **15. Impact assessment**

Yes



## **16. TBT and SPS aspects**

### TBT aspect

No - The draft has no significant impact on international trade

### SPS aspect

No - The draft has no significant impact on international trade

No - The draft is not a sanitary or phytosanitary measure

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European Commission

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