



SCOTTISH GOVERNMENT'S PROPOSED PROGRAMME FOR REVIEWING AND EXTENDING PERMITTED DEVELOPMENT RIGHTS (PDR) IN SCOTLAND

RESPONDENT INFORMATION FORM

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Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
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Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

Questions

Proposed Work Programme

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

Energy Storage is currently programmed for Phase 4. Scottish Water would like this to be considered alongside the review of micro-renewables in Phase 1 as the two are closely related. Energy storage will form part of Scottish Water Horizon's new procurement framework alongside solar energy so it would be very helpful to have permitted development rights established as soon as possible.

Scottish Water suggests that the phasing of the Householder developments review, due to be carried out in Phase 3 – from Autumn 2020, should be aligned with, and takes cognisance of, the ongoing Scottish Government review of surface water policy in relation to Flood Risk and Planning requirements.

Scottish Water would welcome further discussion on our concerns that the impact of the relaxation of PDR on the increase of flood risk prior to any changes taken forward.

Sustainability Appraisal

Responses can be made to the SA report in general or with regard to specific development types. Please make clear where your comments are specific to a particular development type or types.

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?

(Please give details of additional relevant sources.)

The **Scottish Government Programme for Government** has highlighted the concern that the historic loss of green space in the urban environment to hard surfaces ('urban creep' such as paving over gardens for driveways) has had significant increase in the risk of surface water run-off and flood risk in urban areas. Any relaxation of PDR could have a further detrimental impact on the risk of surface water flooding.

Consideration should be given to recent research on the impact of 'urban creep' and flood risk,

provided by CREW: Quantifying rates of urban creep in Scotland: results for Edinburgh between 1990, 2005 and 2015:

<https://www.crew.ac.uk/sites/www.crew.ac.uk/files/sites/default/files/publication/Quantifying%20rates%20of%20urban%20creep%20for%20Scotland%20MAIN%20REPORT.pdf>

The *environmental baseline* (Appendix 2) correctly highlights the risks that climate change will increase the frequency and intensity of flooding.

Scottish Water has concerns that the environmental baseline does not make reference to the most up to date assessment of flood risk in Scotland, and has significantly underestimated the current risk to home and businesses across Scotland, which could be exacerbated by size and scale of developments proposed by the changes to PDR.

The baseline information referenced the Flood Risk Management Strategies 2016-2021. These build on evidence provided by the first Scottish National Flood Risk Assessment in carried out by SEPA in 2010.

This was updated in 2018, resulting in a step change in understanding of the flood risk in Scotland, including an assessment of a much wider number of receptors – included a much more detailed assessment to agricultural properties.

<https://www.sepa.org.uk/data-visualisation/nfra2018/>

This updates assessment has seen an increase to 284,000 homes business and services at risk of flooding from river coastal or surface water flooding (1in 200yr event). And a change to the primary risk of flooding – with 74% (210,000) of these at risk from surface water flooding.

This will be amplified by Climate Change, with flooding identified as the greatest climate change risk, and an additional 110,000 homes and businesses could become at risk across all sources under 2080 scenario. This will be exacerbated further with increasing rainfall intensity of 45% over the next 30 years, which may cause a 90-135% increase in surface water volume in our sewers.

The *social baseline* fails to make any mention of the impact of flooding in terms of mental health.

The *economic baseline* fails to make any mention of the impact of flooding in terms of economic damage (annual average damages) to properties, businesses and infrastructure.

The *Key sustainability issue – Water resources and flooding* – correctly notes that flooding can be expected to be more regular and severe, but it fails to note that changes to increase PDR for *Householder Developments* will likely increase the rate of urban creep and loss of permeable area, which will increase flood risk, and be further exacerbated by the impacts of Climate Change. This is a stark omission when flood risk, as identified in the National Flood Risk Assessment, impacts so many homes and businesses across Scotland.

Extending ***Householder Developments*** PDR also has potential to negatively impact *Landscape and geodiversity* through loss of household front / back gardens.

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?

With regard to section **17 Householder Developments**:

17.2 Single storey ground floor extensions – and the key issue *Minor negative permanent effects in terms of biodiversity, flooding, soils and landscape* – whilst this may be the case on an individual plot level, it fails to consider that **the cumulative impact at a catchment scale has potential to have a significant negative impact in terms of flood risk**. Also, there are no mitigating actions proposed with regard to flood risk, which is a concerning omission.

The comments above also apply to sections:

- 17.3 Ground floor extensions of more than one storey
- 17.4 Porches
- 17.8 Ancillary buildings
- 17.9 Any building, engineering, installation or other operation

17.10 Hard surfaces – and the key issue *Minor negative permanent effects in terms of cultural heritage, flood risk, biodiversity and soils* – whilst this may be the case on an individual plot level, it fails to consider that the cumulative impact at a catchment scale has potential to have a significant negative impact in terms of flood risk.

Although the current PDR requires the use of porous materials, we have concerns that lack of adequate monitoring of this is currently taking place, with limited enforcement being undertaken for areas not meeting the conditions set out under the PDR. This is leading to significant impact on Scottish Water assets through increased surface water run-off entering the public sewer system with the potential for significant risk of sewer flooding to our customers due to overloading.

Scottish Water has significant concerns with regard to any proposal to remove the PDR requirement for use of porous materials, as this will further increase the risk of surface water run-off into the public sewer, which may not have sufficient capacity. This will be further exacerbated with increasing rainfall intensity predicted of 45% over the next 30 years, which may cause a 90-135% increase in surface water volume in our sewers.

There are no mitigating actions proposed with regard to flood risk, which is a concerning omission.

Asset Impact

Any proposed alteration to an existing building by householders should be referred to Scottish Water at the planning stages, in order to ensure that customers do not unknowingly build over Scottish Water assets eg water mains or sewers, where the customer will, ultimately, bear the cost of undoing the work.

The existing PDR guidance published by SG in 2012 already states the following:-
Householders and developers are encouraged to contact Scottish Water to undertake a property search in order to ascertain whether any proposed extension, or buildings, “are constructed over or adjacent to its existing underground pressurized water mains as access is required to allow sewers to be maintained or repaired.”

The current wording means that this does not have to be complied with, and the latter part of the above wording confuses water mains and sewers. Consequently the guidance will require updating should the proposed changes be implemented. Scottish Water welcomes the opportunity of early involvement in this updating exercise so that any increased risk can be effectively managed.

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?

With regard to **17 Householder Developments** and sections 17.2, 17.3, 17.4, 17.8, 17.9 and 17.10 in particular, we would express concern that there is a complete lack of mitigating actions proposed to address the potential for significant increase in flood risk.

From a flood risk perspective, it would be preferable that robust conditions are set and adequate monitoring and enforcement powers are in place as part of the PDR review to ensure that they meet the Sustainability Assessment Objective 4.2 'To avoid and reduce flood risk'.

This may require having more stringent conditions set for sections 17.2, 17.3, 17.4, 17.8, 17.9 and 17.10 to take into account the cumulative and synergistic effect of reducing green space, increasing surface water run-off from hard surfaces and extensions, and increased rainfall intensities from Climate Change.

If PDR are extended, then mitigating actions to reduce the negative effects should include use of blue-green infrastructure.

With regard to **Non-Domestic Solar Energy**, Scottish Water would like to understand if there has been consideration given to extending PDR to ground mounted solar PV panels within the curtilage of non-domestic property when used to provide power for the operation on the site. This is particularly applicable to Scottish Water as there are many sites where there is land available to install panels and energy storage systems. A similar set of parameters could be developed as is currently applied to roof mounted solar PV.

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

With regard to section **21 Secondary, cumulative and synergistic effects**, we would highlight and each, the following comments:

A number of potential changes relate to developments that could significantly increase flood risk.

In the urban context the main risk comes from a combination of householder developments each of which could reduce green space, increase the extent of sealed surfaces, which will result in increased speed and volume of surface water runoff.

With the already high numbers of properties across Scotland at risk of flooding, and these numbers forecast to increase with climate change, we would argue for a strong presumption against any change in PDR that would result in an increase in impermeable area / sealed surfaces, or result in a weakening of the requirement for the provision of porous surfaces.

Both Local Authorities and Scottish Water are investing substantial sums of public money in surface water management to try to reduce flood risk, and the effectiveness of this work is already reduced through urban creep, but could potentially be entirely undone with the extension of PDR.

With regard to section 23 Conclusions and next steps, we welcome and echo the statement: "*A number of potential PDR changes relate to changes in the size and scale of development types that could significantly increase flood risk.*"

To reiterate, the impact at an individual property level may be minor, but it is the cumulative impact of multiple properties in a catchment, which may already be an area of flood risk, that will have a significant negative impact over time.