POLICY NOTE

THE TOWN AND COUNTRY PLANNING (CHANGING PLACES TOILET FACILITIES) (SCOTLAND) REGULATIONS 2020

SSI 2020/XXX

The above instrument was made in exercise of the powers conferred by section 41B(4) of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to affirmative procedure.

Section 41B of the Town and Country Planning (Scotland) Act 1997 states that planning permission may only be granted for certain types of development if they include a toilet that has the facilities described: a Changing Places Toilet. The regulations add new types of development to the list and introduce a size / capacity limit, so that the requirement only applies to larger buildings. They also adjust the description of the toilet facility required.

Policy Objectives

Changing Places Toilets (CPTs) are important for people that have more complex care needs and those for whom standard accessible sanitary facilities, for reasons of form or size, are not adequate. They provide additional space for assistants, and equipment including an adult-sized changing bench and a hoist. The Planning (Scotland) Act 2019 inserted provisions into the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") to require certain types of development to have a CPT in order to obtain planning permission, with the aim of increasing the number of CPTs across the country.

There is already a requirement for certain types of building to include a CPT in the building standards technical handbook 2019 for non-domestic buildings, and good practice provided in British Standard 8300:2009. The aim of the regulations is to bring the requirements in the planning legislation closer to those existing standards, and to ensure there are no conflicts between them. It is not possible to use exactly the same wording because the building standards handbook is guidance rather than legislation, and is set in a different context, using terms that are already established in building standards.

Regulation 2(2) extends the types of development covered by the requirement, as listed in section 41B(2) of the 1997 Act and captures more of the categories covered by the British Standard and building standards handbook.

Regulation 2(3) amends the description of the facility. It adds a height adjustable wash hand basin, grab rails and a call assistance system, and adjusts other wording for clarity. It also removes requirements for a supply of hygienic covering for the changing bench and waste disposal facilities, as these are movable items that are not appropriate to be included in a planning application.

Regulation 3 introduces a minimum size / capacity limit, so that the requirement for a CPT does not apply unless the proposed building has a floor area of over 5,000 square metres or can be used by more than 1000 people at a time. (Regulation 2(2)(a) also removes a size limit that applied only to retail buildings). The new limits only apply to those parts of a

building which are used for the specified purposes, so they would exclude, for example, a small shop at the base of a block of flats or office building, but would include a shopping centre where none of the individual units meets the size limit, but the complex as a whole does.

CPTs need to be at least 12 square metres in size, and are significantly more expensive to build and maintain than a standard accessible toilet. For this reason, the focus is on providing them in larger buildings. The size / capacity limits used in the regulations are the same as those in the buildings standards technical handbook. They were determined following consultation, and are considered to be reasonable for a statutory requirement, to make sure the cost of providing a CPT is proportionate to the project as a whole. However, the Scottish Government continues to encourage developers to consider including CPTs in smaller new buildings and adding them to existing facilities on a voluntary basis, where this is feasible.

Consultation

A consultation was carried out before changes were made to the building standards technical handbook. The consultation paper and analysis of responses can be found at https://consult.gov.scot/building-standards/changing-places-toilets/. It was not considered necessary to consult separately on the planning requirements, as essentially the same questions would be asked, and the aim was therefore to match the planning requirements to those which had been decided on for building standards.

Impact Assessments

An Equality Impact Assessment was carried out for the changes to the building standards technical handbook. This found that the proposals would offer a positive benefit, and no negative impact was identified.

Strategic Environmental Assessment pre-screening has been carried out and found that the regulations will have no or minimal environmental effects.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) was completed for the changes to the building standards technical handbook, and found that capital costs would be in the region of £1.5m annually, and around £2,500 per facility for annual maintenance. There would be social benefits to those who need CPTs, and potential economic benefits to businesses providing them who may gain increased trade. https://consult.gov.scot/building-standards/changing-places-toilets/results/changingplacestoilets-finalbusinessandregulatoryimpactassessment.pdf .

There are no additional impacts from the changes to the planning legislation, as they will not require any additional buildings to have CPTs over and above those required by building standards.

Scottish Government
Directorate for Local Government and Communities
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