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2020

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

# ■ circular

**Scottish Planning Series**

**PLANNING CIRCULAR**

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



## **PLANNING SERIES:**

**Scottish Planning Policy (SPP)** is the statement of Scottish Government policy on nationally important land use planning matters.

**National Planning Framework (NPF)** is the Scottish Government's strategy for Scotland's long term spatial development.

**Circulars** contain Scottish Government policy on the implementation of legislation or procedures.

Statements of Scottish Government policy in the SPP, NPF and Circulars may be material considerations to be taken into account in development plans and development management decisions.

**Planning Advice Notes** provide advice and information on technical planning matters.

Further information in the Scottish Government's role in the planning system is available on the [Scottish Government website](#)

Information on the current programme of planning reform and implementation of the Planning (Scotland) Act 2019 is available on our [Transforming Planning website](#)

## Background

1. This Circular highlights the requirements of planning legislation in relation to the provision of Changing Places Toilets (CPTs). CPTs are facilities suitable for use by people that have more complex care needs and will also assist many other people for whom standard accessible sanitary facilities, for reasons of form or size, are not adequate. In addition to standard facilities they provide additional space for assistants, an adult-sized changing bench and a hoist.
2. The relevant provisions are in section 41B of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), inserted by section 26 of the Planning (Scotland) Act 2019. Subsection (1) provides that:

“Without prejudice to the generality of section 41(1), a planning authority may grant planning permission for a development that falls within subsection (2) only on condition that the development includes at least one toilet facility described in subsection (3).”
3. Subsection (4) provides that the Scottish Ministers may make regulations to add, amend or remove the types of development in subsection (2) and the description of the facility in subsection (3), and to specify buildings, types of buildings or circumstances in which the requirement for a CPT does not apply.
4. These powers have been used in the **Town And Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020** (“the CPT Regulations”), which:
  - Amend and add new types of development that require a CPT;
  - Introduce a minimum size / capacity limit for requiring a CPT, recognising that it may not be reasonably practicable to provide a CPT (minimum 12m<sup>2</sup>) in smaller buildings; and
  - Amend the specification of the facility.
5. The requirements set out by the Act and Regulations are set out below, and come into force for planning applications made on or after **18 May 2020**.

**Types of development: 1997 Act, section 41B(2), as amended by the CPT Regulations –**

41B(2) A development that is the subject of an application for planning permission falls within this subsection if it is for the construction of a building, structure or other erection for use for any of the following purposes—

- (a) as a school, college or university,
- (b) as a community centre, sports and leisure centre, or similar public building,
- (c) as a hospital or other facility for the provision of health services,
- (d) as a retail outlet,
- (e) as a cultural centre, such as a museum, concert hall or art gallery,
- (f) as a stadium or large auditorium,
- (g) as a major transport terminus or interchange,
- (h) as a motorway service facility,
- (i) as a conference or exhibition centre,
- (j) as a restaurant or café,
- (k) as a public house or nightclub.

### **Minimum size limit: CPT Regulations, Regulation 3**

3(1) The requirements of section 41B(1) of the Act do not apply unless the relevant part of the building, structure or erection which is the subject of the application for planning permission—

- (a) has a floor area of more than 5,000 square metres, or
- (b) can be used for a purpose, or combination of purposes, specified in section 41B(2) of the Act by more than 1,000 people at a single time.

(2) In this regulation—

“relevant part” means—

- (a) if the whole building, structure or erection is to be used for specified purposes, the whole building, structure or erection,
- (b) if the whole building, structure or erection is not to be used for specified purposes, only such part or parts of the building, structure or erection which are to be used for specified purposes.

“specified purposes” means one or more purpose specified in section 41B(2) of the Act, or a combination of such purposes.

“floor area” means the total floor space in a building taking each floor into account but excluding any area where the headroom measures less than 1.5 metres.

**Note:** As set out in paragraph (2), the size limit applies only to those areas of a building that are used for the specified purposes. So for example:

- A CPT is required in a complex that contains shops, restaurants and a gym, if the whole complex is over 5,000 m<sup>2</sup>, even if none of the individual units are that big.
- A CPT is not required for shops or restaurants on the lower floors of a block of flats or offices, if the shops and/or restaurants do not total over 5,000 m<sup>2</sup>.

**Specification of the facility: 1997 Act, section 41B(3), as amended by the CPT Regulations -**

41B(3) The toilet facility mentioned in subsection (1) is an accessible public facility which—

- (a) has sufficient space, being not less than 12 square metres, to allow up to two carers to assist an adult to use the toilet and the equipment mentioned in paragraph (c),
- (b) has a toilet with sufficient space, being not less than 1 metre, from the wall on either side for carers to assist an adult to use the toilet,
- (c) includes—
  - (i) a height-adjustable changing bench of a size suitable for an adult,
  - (ii) a tracking hoist able to cover the full floor area of the facility,
- (d) is equipped with—
  - (i) a non-slip floor surface,
  - (ii) a screen or curtain,
  - (iii) a height adjustable wash hand basin,
  - (iv) grab rails to assist in the use of the toilet facility,
  - (v) a shelf or other surface suitable for temporary placing of colostomy bags and related equipment,
  - (vi) a call assistance system.

## Interaction with building standards

6. All building projects need to comply with both planning controls and building standards (unless specifically exempted). The building standards technical handbook 2019 for non-domestic buildings, clause 3.12.13, introduced guidance on the provision of CPTs in order to meet the requirement in the Building (Scotland) Regulations 2004:

“Every building must be designed and constructed in such a way that sanitary facilities are provided for all occupants of, and visitors to, the building and that there is no threat to the health and safety of occupants or visitors.”

[\(https://www.gov.scot/publications/building-standards-technical-handbook-2019-non-domestic/3-environment/3-12-sanitary-facilities/\)](https://www.gov.scot/publications/building-standards-technical-handbook-2019-non-domestic/3-environment/3-12-sanitary-facilities/)

7. The planning regulations have been drafted so that there should be no conflict with the building standards guidance. The specification of the facility is the same, as is the size / capacity limit. The types of development covered are expressed differently, since the building standards technical handbook uses the pre-existing categories of “assembly building” and “entertainment building” (defined in Annex A of the technical handbook), but the overall coverage is similar. Where there is a difference, the building standards guidance covers more types of development than the planning legislation, but has greater flexibility for developers to meet the requirement by alternative methods. The building standards guidance also covers certain changes of use and extensions to buildings; the planning requirements only apply to new build.

## Wider provision

8. The provisions in the 1997 Act only allow for CPTs to be required in specified types of development when an application is made for planning permission. They cannot require CPTs to be retrofitted into existing buildings, or to be provided if no other development is proposed.
9. It is considered that the criteria set out in the 1997 Act and the CPT Regulations, including the size / capacity limits, are appropriate and proportionate for a mandatory requirement. However, the Scottish Government supports the wider provision of CPTs and encourages



the operators of public facilities to consider creating CPTs in existing buildings and in smaller developments, where practicable. For example, Transport Scotland is working with ScotRail to provide CPTs at major stations, and VisitScotland encourages tourism operators to consider the availability of CPTs as part of accessibility arrangements.

10. Provisions included in the Planning (Scotland) Act 2019 will require that, in future, each planning authority's local development plan "is to include a statement of the planning authority's policies and proposals as to the provision of public conveniences". While guidance on this issue has yet to be produced, it is expected that such policies will set out expectations for the provision of all types of conveniences, including accessible toilets and changing places toilets.

### **Further information on CPTs**

11. This Circular deals with the statutory requirements for CPTs in Scotland. For more information about CPTs please see [www.changing-places.org](http://www.changing-places.org). The Changing Places Consortium provides a practical guide, covering issues such as design, signage and additional equipment / consumables that cannot be specified in planning legislation. Building owners / managers can also register their CPTs so that people who need them can find them.



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