

### **Covid-19 - Planning Update**

#### **Summary and Recommendations**

This paper provides the Board with an overview of steps which have been taken to ensure the planning system continues to function during the Covid-19 crisis and explores the need for flexibility and discretionary measures to allow Local Authorities to implement temporary recovery measures which are appropriate and proportional to the challenges faced locally.

The paper also invites the Board to share their experience of how Covid-19 has affected planning in their Local Authority and to discuss whether further legislative or regulatory changes will help planning services during the recovery phase.

The Board is invited to:

- i. Note the measures which have been adopted to date to ensure the planning system continues to function effectively during the response to Covid-19;
- ii. Agree to support Local Authorities in adopting flexible solutions to the recovery phase; and
- iii. Discuss and identify additional legislative and regulatory tools to assist planning services in enabling the recovery phase.

#### **References**

Previous relevant reports:

- Environment and Economy Board March 2019 – Planning (Scotland) Bill
- Environment and Economy Board April 2019 – Planning (Scotland) Bill
- Leaders August 2019 – Planning (Scotland) Act 2019
- Environment and Economy Board September 2019 – Planning (Scotland) Act 2019
- Environment and Economy Board December 2019 – Planning
- Environment and Economy Board February 2020 – Planning Fee Consultation Response
- COSLA Group Leaders April 2020 – Planning – Major Applications

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## **Covid-19 – Planning Update**

### **Purpose**

1. To summarise measures implemented to ensure the Scottish planning system continues to function during the Covid-19 crisis and to explore what further steps can be taken to help planning services through the restart and recovery phases.

### **Current COSLA Position**

2. As with most sectors, planning has been significantly affected by the Covid-19 crisis with changes in working practices required. The necessity for social distancing measures to restrict the spread of the Covid-19 has required a number of changes to keep the planning system functioning.
3. Of primary importance has been the issue of determining planning applications following the suspension of planning committees and local review bodies. In order to prevent a backlog of applications building up while social distancing measures are in place two options were identified: amending schemes of delegation through existing powers available to local authorities or holding virtual committee meetings through new powers in the Coronavirus (Scotland) Act 2020. COSLA Group Leaders considered these options on 3 April and agreed that it is for individual local authorities to decide which of the identified options is most suitable to their circumstances.
4. Since March, the High Level Group on Planning Performance (HLG) has met regularly as an officers group, with stakeholders from COSLA, Scottish Government, Heads of Planning Scotland (HOPS), SOLACE, SOLAR and the Royal Town Planning Institute (RTPI) with the purpose of identifying barriers in the planning system and devising pragmatic solutions to ensure the planning system continues to function. Issues identified generally relate to feasibility of public engagement due to social distancing and include, but are not limited to, pre-application consultation, duration of planning permission, documents for public inspection, neighbourhood notifications, public and site notices, hazardous substance consents and delays to the implementation of provisions in the Planning (Scotland) Act 2019. Wherever possible digital solutions are being sought to the issues of public engagement, with those authorities who have opted to hold virtual committee meetings encouraged to live stream these to the public. This work has been summarised and disseminated in a letter from the Chief Planner which can be found at this [link](#).
5. Examples of planning regulations which could be temporarily relaxed to provide practical solutions during the response to the crisis were identified and outlined in further letters from the Chief Planner. Examples of these include extensions to delivery times at retail premises to ensure supply lines remain open and relaxing of restrictions on hot food takeaway from restaurants to allow some businesses to continue trading in a safe way which conforms to current measures on social distancing.

### **What is changing?**

6. With the measures outlined above now in place, attention turns to the recovery phase of our response to Covid-19 as we look to restart the economy safely. Other items on the agenda have outlined the economic shock caused by the outbreak and the regional and

sectorial inequality of its impact, and the steps COSLA are taking to plan for the recovery phase. The challenge varies significantly between authorities, with industries such as tourism and oil and gas suffering a disproportionately large impact, while authorities with the lowest percentiles in the SIMD are experiencing the largest increases in claimants of universal credit since the start of the crisis. The emerging picture is that solutions will have to be flexible to allow authorities to respond to the differing challenges they face and implement appropriate solutions.

7. Planning will play a key role in enabling the flexibility of response which is required to provide effective solutions to these regional challenges. The collaborative work which has taken place to date through the High Level Group can provide a base for ensuring solutions are identified and delivered. Similar to the initial response, we anticipate a number of temporary measures which can be put in place to allow business operations to restart within the conditions set out as restrictions are gradually lifted. As operating procedures may need to be diversified in order to conform with social distancing and other public safety measures, local agreement not to take enforcement action can provide well-measured, temporary solutions. Examples of this could include greater temporary use of on-street furniture, reallocation of road space or extensions to seasonable businesses to continue trading later in the year,
8. Rather than produce an exhaustive list of temporary solutions and working practices, we anticipate a more flexible approach to temporary relaxation of planning controls which will allow Local Authorities to identify and deliver tailored solutions to overcome local barriers to recovery. National exemptions are unlikely to provide the nuanced solutions that a more flexible, place based recovery can provide and which a greater level of local discretion over planning controls enables.
9. The work to respond to the Covid-19 Crisis and explore the measures which will be required in the recovery phase has resulted in an inevitable delay in the implementation of the Planning (Scotland) Act 2019. While this work has been reprioritised we remain committed to delivering our priorities in this area, albeit within a revised timescale. As the long term plan for Scotland that sets out where developments and infrastructure is needed to support sustainable and inclusive growth, National Planning Framework 4 (NPF4) requires consideration in context with the current crisis and in a consistent manner with long term recovery plans. A letter from the Chief Planner is anticipated shortly, with a draft NPF4 published for consultation in spring 2021. We will update the Board on work in this area in due course.

### **Proposed COSLA Position**

10. It is proposed that COSLA continues to support the flexible approach to planning controls. This allows discretionary implementation, permitting planning authorities to adopt a place based response to regional and local challenges, implementing solutions best designed to their circumstances. Some practical examples have been identified and include extending working hours on construction sites with noise mitigation measure in place and extending the operating season for caravan parks to promote tourism in autumn 2020, but we would welcome further suggestions and encourage Local Authorities to share best practice and identified solutions to common obstacles.
11. Given the diverse range of issues affecting Local Authorities across Scotland, we would like to ask Members to share their experience of the challenges facing planning services in their authorities. We would also ask Members to share any examples of local solutions being considered and implemented to promote the recovery phase. If further regulatory or legislative changes to enhance the role planning can play in the recovery phase can be identified and receive the Boards support through these discussions, they will form the basis of our future engagement at the High Level Group for Planning.

## **Next Steps**

12. Based to discussions at the Board meeting, COSLA will continue to work collaboratively with HOPS, Scottish Government and other key stakeholders to ensure planning is positioned as an enabler in the recovery phase of the Covid crisis and to lobby for the necessary legislative and regulatory tools to allow Local Authorities to adopt flexible solutions to local challenges.