

Developers' Meeting

Thursday 25th March 2pm

“Coronavirus and Planning”



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- The [Coronavirus \(Scotland\) Act 2020](#) came into force on 7 April 2020
- The [Coronavirus \(Scotland\) \(No. 2\) Act 2020](#) came into force shortly after on 27 May 2020
- The two Scottish Coronavirus Acts have been crucial to protecting the public, maintaining essential public services and supporting the economy during the outbreak.
- The Scottish Parliament recently agreed to regulations that extend both Scottish Coronavirus Acts to 30 September 2021. This is the final six-month period by which the Acts can be extended.

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For our planning interests, this extension to the Acts includes continuing the provisions which have:

- (i) Extended the duration of planning permissions, listed building consents and conservation area consents;
- (ii) Enabled publication of planning documents online rather than at physical locations, and
- (iii) Allowed planning committee and local review body meetings to happen without public attendance.

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Extended durations to planning permissions, listed building consents and conservation area consents (which have been/are due to expire)

In relation to planning permissions granted under the Town and Country Planning (Scotland) Act 1997, the latest Regulations to amend the definitions of “emergency period” and “extended period” under the Coronavirus (Scotland) Act 2020 have redefined the “emergency period” as being the period which began on 7 April 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 7 April 2020 and will end on 31 March 2022.

In relation to consents granted under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the latest Regulations to amend the definitions of “emergency period” and “extended period” under the Coronavirus (Scotland) (No. 2) Act 2020 have redefined the “emergency period” as being the period which began on 27 May 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 27 May 2020 and will end on 31 March 2022.

Permissions and consents which are due to expire between now and 30 September 2021 will be extended to 31 March 2022.

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Changes to the pre-application consultation and publicity processes

Regulations have suspended temporarily the need for (i) public events in pre-application consultation, (ii) planning committees and local review bodies meetings in public and (iii) hard copies of EIA reports in physical places. The Scottish Coronavirus Acts have also enabled online publication of planning documents rather than at physical locations.



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- **(i) Public events in pre-application consultation**
- The suspensions to the public event requirement apply where the Proposal of Application Notice (PAN) relating to an application for major or national development was or is submitted prior to the end of the emergency period (including if it was submitted before the emergency period began), and the application for planning permission is made within 6 months following the end of the emergency period.
- The emergency period began on 24 April 2020 and currently is due to expire on 30 September 2021.
- **What the Scottish Government would expect to see as a minimum temporary substitute for a face to face public event is:**
- Information hosted at a central, free, publicly accessible web location (the choice of additional platforms as routes into this location is for the applicant); and
- Live and interactive web-based consultation.

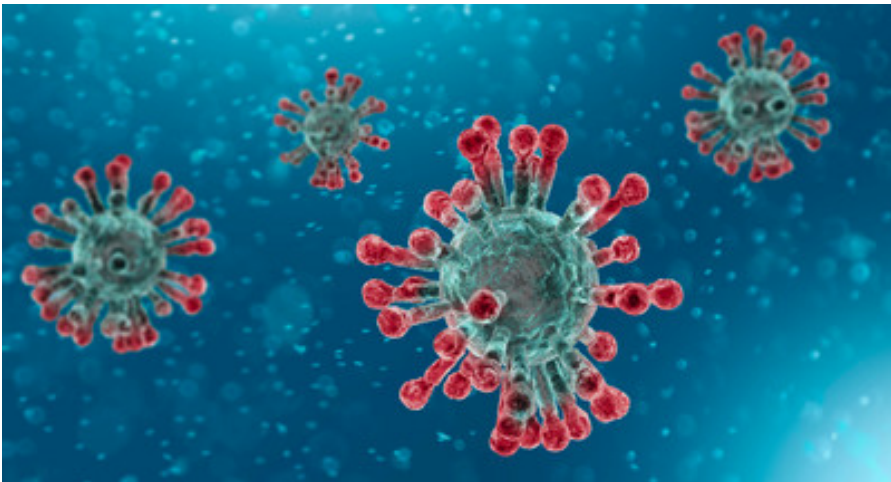
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(ii) Planning committee and local review body meetings in public

Presently, through the Council's exercise of powers under the Coronavirus (Scotland) Act 2020 and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020, meetings of the Planning Committee and Local Review Body are not open to the public.



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(iii) Online publication of planning documents instead of at physical locations

The Coronavirus (Scotland) Act 2020 enables the planning authority to make alternative arrangements to publish documentation online where it is considered there may be a significant risk of transmission of the virus, or the standard means is likely to be ineffective or inappropriate due to restrictions in place. This includes the publishing of Site Notices, which are currently being published on the Council's website: [Site Notices](#)



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The introduction of new permitted development rights

A new order was made which came into effect on 24 April 2020 which temporarily grants planning permission for any necessary emergency healthcare-related facilities to deal with the current crisis, and so give certainty about their planning status. The Order amended the GPDO. The extended permitted development rights, which include development by, or on behalf of local authorities or health service bodies, and by the Crown, are currently due to expire on 31 December 2021.



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The encouragement given to the fair relaxation of planning control

In addition to emergency changes to legislation, throughout the past year there has been encouragement given by the Chief Planner and the Minister For Local Government, Housing and Planning for a relaxation of planning control, particularly through choosing not to take enforcement action, in a range of circumstances that could help businesses and services to diversify and continue to operate during the pandemic.



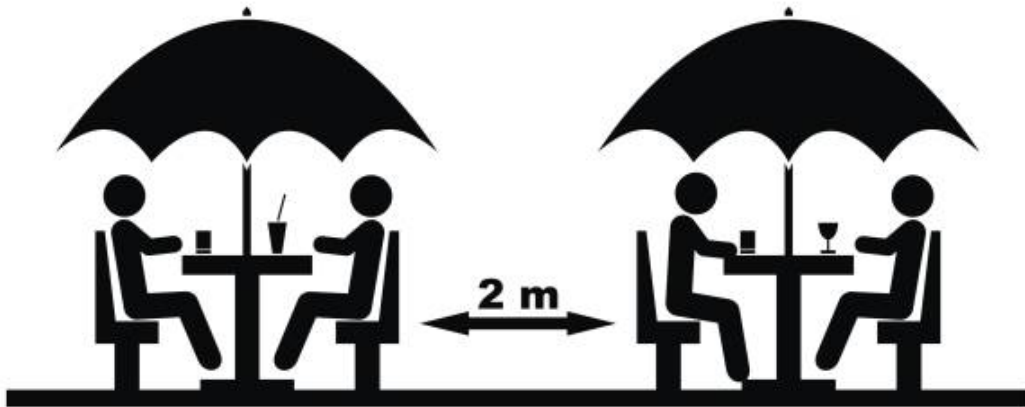
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Specific examples provided to planning authorities have included support for:

- The hospitality industry to provide outdoor seating and takeaway facilities
- Food retail opening times and deliveries outwith their conditioned hours
- Holiday parks to stay open beyond their usual seasons
- Longer hours of operation on construction sites



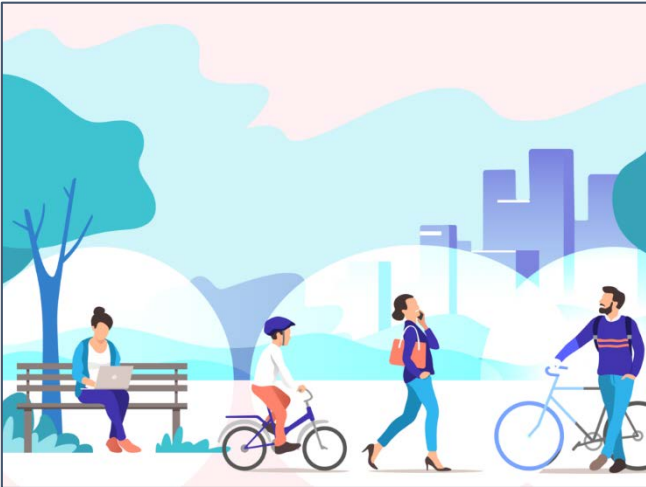
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Relaxation of the “28 day rule”

Coronavirus (COVID-19): planning - use of outdoors spaces and 'the '28-day rule'



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Thank You 😊

Any Questions?

