



DPEA CORONAVIRUS (COVID-19) GUIDANCE

Updated 16 July 2021

This is the 12th DPEA guidance note setting out how we intend to continue progressing our work during the ongoing pandemic.

This update is based on wider Scottish Government guidance contained within [Scotland's Strategic Framework Update June 2021](#), [Coronavirus \(COVID-19\): review of physical distancing in Scotland - June 2021](#) and the [Chief Planner's letter](#) of 22 March.

The vast majority of DPEA work is carried out through written representations. During Covid-19 restrictions, DPEA and appointed Reporters continue to seek, as far as possible, to keep casework and all other DPEA work progressing. In this regard DPEA thanks those involved in the cases we handle for showing flexibility and innovation in devising new ways of working to allow cases to progress.

Scottish Government staff have been advised that remote working will remain the default position, but that a gradual return to the office may commence from 30 August. In practice this means that the majority of DPEA staff will continue to work from home and keep travel to a minimum. For now, our office in Falkirk remains open with only a skeleton staffing complement in place to accept deliveries and carry out functions that cannot be done at home. Email communication with the Case Support Team remains in place. Please continue to use the usual phone numbers when contacting us.

In 'Coronavirus (COVID-19): review of physical distancing in Scotland', a potential lifting of physical distancing restrictions is pencilled in for **9 August**, subject to review a week before then. **Any lifting of those restrictions would signal a gradual return to in-person hearings and inquiries where those are considered to be necessary and appropriate.**

1. Experience to date

Site inspections have been carried out virtually; reporters have used site photographs, video evidence and google earth to assess the merits of developments; and drone footage has also been used. Pre-examination meetings, hearings and inquiries have been held via audio and video conference. Many of the lessons we have learned during this time have demonstrated positive benefits and we intend to weave these innovations into our ways of working beyond the pandemic.

It has been demonstrated that cross-examination can be conducted virtually, but shorter sitting days with more short breaks is desirable. We have also had positive

feedback from unrepresented parties, who have found virtual participation to be more convenient and less daunting than appearing in-person.

2. Illness of Reporters and participants

If the appointed Reporter (as a sole appointee) thinks that they might have COVID-19 or if they have been in close contact with someone with COVID-19 (again subject to self-isolation), a decision may be made to suspend proceedings for a short period. Where more than one Reporter is appointed in a particular case, a decision on a similar suspension will depend on the circumstances, such as the ability of other Reporter(s) to keep the case going procedurally or whether any planned oral procedure is imminent.

Where any party or any key employee of any party (or their agent or representative) is subject to similar restrictions, we would be grateful if DPEA could be alerted, especially if an impact is anticipated on their ability to participate or pursue their interest in the proceedings effectively. This is of course subject to, and respectful of, medical confidentiality of any affected person.

3. Site visits

During the current phase of restrictions Reporters are now authorised to travel for accompanied and unaccompanied site inspections where it is safe to do so. Overnight stops are also now permitted subject to localised restrictions.

Parties attending any such accompanied site visits will need to be kept to a minimum and will be required to ensure physical distancing is adhered to at all times, while those restrictions continue to apply. If parties are not complying with this requirement the reporter will suspend the site visit.

Site visits – even unaccompanied – will not take place where they would involve or necessitate access to the inside of buildings which are, at the time of the visit, subject to specific restrictions. **This will generally mean that internal site inspections of occupied dwellings can be resumed**, subject to minimal numbers attending and with the agreement of the householder.

4. Pre-examination meetings, Inquiries and Hearings

Any lifting of physical distancing restrictions will signal a gradual resumption of in-person events.

Until then, such events will continue to be held virtually. Once the lifting of restrictions is confirmed, DPEA will consider whether events already scheduled to take place virtually can be readily converted to in-person. If that proves not to be the case, those events will proceed virtually as planned, and no delay will be permitted to facilitate in-person attendance. Doing so would have the unfortunate effect of building a backlog in cases, which has throughout the pandemic been largely avoided. **Reporters are instructed to plan for virtual procedure until then.**

We will endeavour to webcast proceedings to ensure that proceedings are able to be observed remotely. No party who wishes to give evidence will be precluded from doing so.

It is essential that virtual and in-person events comply with any physical distancing, hygiene and other requirements in force at the time. Reporters will enforce these requirements. Failure to comply will cause the Reporter to suspend the proceedings and may also be regarded as unreasonable conduct for the purposes of expenses claims.

5. Guidance for those participating in Site Visits, Pre-examination meetings, Hearings and Inquiries

Whether participating in-person or virtually, please:

- ensure that physical distancing restrictions, whilst remaining in force, are respected and refer to the [latest NHS Scotland guidance](#) shortly before such participation so that you have the most up to date information on the risks and on how to avoid catching or spreading coronavirus. This will include the wearing of face coverings when moving around within buildings; and
- check with the local planning authority or with the DPEA case officer that the procedure is going ahead before travelling to any location in order to participate.