

T: 0131-244-0237
E: chief.planner@gov.scot

22 March 2021

Dear Colleague,

We write this update as the Scottish Parliament session is drawing to a close in advance of the 2021 election. This session started for us in 2016 with the report of the independent review of the Scottish planning system. That of course led to detailed stakeholder collaboration, a Planning Bill process producing the Planning (Scotland) Act 2019, our work on Scotland's fourth National Planning Framework, a renewed focus on the importance of place and our commitment to the digital transformation of planning. It has been an important period of substantial change for planning.

The last year has clearly brought a whole new set of challenges, and some opportunities, for our planning system; about how we each play our parts and also bringing into sharp focus the vital role of planning to the future recovery of our communities and society.

In this final letter of the session, we provide a further update on how our planning system is working through the pandemic and on the progress the Planning and Architecture Division continues to make through the wide-reaching planning reform programme. As always, we have been very grateful for the considerable input, debate and support from across Scotland's planning community.

Maintaining a functioning planning system and supporting recovery

While the vaccination programme is having a significant impact and is giving confidence about the next steps out of lockdown, the COVID-19 situation is still serious and we need to continue to minimise the spread of the virus. From 2 April, Stay at Home regulations will be replaced with guidance to Stay Local within local authority areas. Working from home, if possible, remains a legal requirement in Level 4 areas.

Throughout, we have sought to ensure our planning system was able to adapt to the circumstances, to continue to operate and to play its part in the national effort both in living and working through the pandemic and in supporting recovery. We will continue to consider and implement appropriate temporary measures for planning and also consider carefully when it is right for those measures to be removed.

Emergency legislation

The two Scottish Coronavirus Acts have been crucial to protecting the public, maintaining essential public services and supporting the economy during the outbreak. Last week, the Scottish Parliament 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. For our planning interests, this extension 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 committee meetings to happen without public attendance. Through associated regulations, those consents which are due to expire between now and 30 September will be extended to 31 March 2022.

Extension of the Acts will also roll forward to 30 September the related regulations which include the current suspension of physical pre-application consultation public events, being replaced by virtual events. And a development order has extended permitted development rights for temporary developments by the Crown, local authorities and health service bodies, for example for testing and vaccination centres.

Relaxing planning control

We wrote [several times during 2020](#) giving our encouragement 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 within our communities during the pandemic. In our [December 2020 letter](#) we brought all of that together and restated our general support for planning authorities to exercise their discretion and allow for temporary breaches of planning control that are reasonable in the current difficult circumstances. We know this approach has been welcomed and planning authorities' understanding has been very much appreciated.

There could be some further circumstances in which this relaxation in planning can help as we emerge from current restrictions while moving into springtime, as people become able to move around more freely and as businesses and services look to re-start and re-gain some lost ground. As one example, we are aware that some authorities have been exploring scope for the temporary use of car parks or other appropriate locations for overnight stops in campervans and motorhomes if that is safe and reasonable, to address some anticipated pressures during the coming season.

We ask again that the broad approach of relaxing control where reasonable and appropriate continues for now to support the national response to COVID-19.

We will continue to keep this guidance under close review. We have maintained that we will remove it when the time is right, reflecting the temporary nature of the changes of use that have been accommodated and the long-term importance of effective planning in enhancing amenity within communities. The guidance will remain, certainly until the requirements for physical distancing have been removed. We will also consider carefully, in discussion with stakeholders, how and when it can be withdrawn fairly; including whether any ongoing support for a further period might be appropriate in some circumstances to help recovering businesses.

National Planning Framework 4 (NPF4)

The consultation on our [NPF4 Position Statement](#) has now closed. We received [over 250 responses](#) from a broad range of stakeholder interests and we are grateful for all of those contributions. We will publish a consultation analysis report in due course. As another part of our engagement programme, we invited RTPi Scotland and PAS to host a number of events with stakeholders. The outputs from those along with other NPF4 resources are being made available at [transformingplanning.scot](#). The consultation responses and event reports and the substantial evidence we received during the Call for Ideas last year are all helping to advance our thinking now as we work towards a draft NPF4 for consultation later this year.

The Scottish Government has written to local and national park authorities on the next steps for meeting the statutory requirements relating to land for housing to be included in NPF4. The letter seeks the input of authorities and stakeholders over the next few months, and provides housing land figures that are a starting point for local considerations. [www.transformingplanning.scot/national-planning-framework/resources/](#)

Digital transformation of planning

Following on from our publication last November of [Transforming Places Together: Scotland's Digital Strategy for Planning](#), we are about to get underway with our exciting and transformative programme, supported by £35 million funding over the next 5 years, embedding digital right across our planning system and for all who work with it. We will announce more about the programme soon.

This programme will be highly collaborative, with many opportunities for people to get involved throughout the 5 years, from sharing expertise and ideas in user research and testing to becoming early adopters that help us shape the systems and transformation to come.

Look out for progress with the digital transformation programme and for opportunities to get involved at [www.transformingplanning.scot/digital-planning/](#).

Planning (Scotland) Act 2019 implementation

Since our last update in December, we have continued to make good progress with several elements of the 2019 Planning Act implementation.

While some aspects of the Act were paused last year, we have been determined to progress those parts which are enhancing the opportunities for people to get involved and have a positive influence in the future development of their places. Last week, we were pleased to move forward with one important strand of that when we published our [consultation paper on local place plans](#), inviting people's views on how future regulations will shape the arrangements for producing and working with these plans. The consultation runs until 25 June 2021 and we expect the regulations to be in place by the end of this year.

To assist with thinking on local place plans during the consultation period, today we also published a [report and literature review of community-led planning](#), alongside a [draft 'how to' guide](#), both prepared by Scottish Community Development Centre and Nick Wright Planning and exploring how local place plans might be developed and delivered. Although not a formal part of the consultation, we would be interested in people's thoughts on the draft guide, which will inform a final, web-enabled version that we will produce alongside the regulations.

Following a consultation last autumn, we have laid [regulations on pre-application consultation](#) with local communities in the Scottish Parliament, due to come into force on 1 October. The regulations will make some changes to the statutory requirements alongside provisions in the 2019 Planning Act, including the new requirement for a second public event. Our recent consultation on the promotion and use of mediation in planning has now closed; we are considering the responses in advance of finalised guidance to be published this summer.

We have continued to work with the cross-sector working groups looking at the 2019 Act's provisions on development planning, open space strategies and play sufficiency assessments. Those groups have been very active recently, helping to shape proposals for new guidance and regulations. We are preparing to consult on those proposals after the Scottish Parliament election.

New and extended permitted development rights are due to come into force on 1 April relating to: digital telecommunications infrastructure; agricultural development; peatland restoration, development related to active travel; and aquaculture. We have produced a [guidance note](#) to explain the changes, and are arranging to update the relevant circulars to coincide with the changes coming into force. Also coming into force on 1 April are the [2019 Act's provisions](#) and [related regulations](#) setting the arrangements for the designation of Short-Term Let Control Areas and we are producing supporting guidance for that.

You can keep up-to-date on progress and view all planning reform consultations and legislation at www.transformingplanning.scot/planning-reform/.

Staying in touch

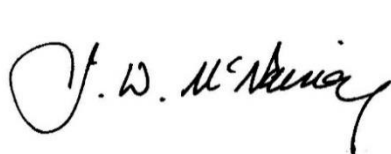
Action required: re-registration for updates from Planning and Architecture Division

You may currently be registered to receive regular 'Planning and Building' update emails from the Scottish Government. The platform we use for those is being discontinued this week and all data we hold will be removed. We are replacing that service with new Planning and Architecture News updates. Subscriptions are not being moved over to the new service automatically. To keep up-to-date, please now [sign up for Planning and Architecture News updates](#).

You can also follow us on Twitter [@ScotGovPlanning](#) and [@DigiPlanningSG](#).

We hope you have found this update helpful. Your feedback is always very welcome. Please send any thoughts you wish to share to chief.planner@gov.scot.

Yours faithfully



John McNairney
Chief Planner



Kevin Stewart
Minister for Local Government, Housing and Planning