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1 July 2022

Dear Colleague

For all of us, we have been working through what has been a particularly busy and important time for Scotland's planning system and planning services. It is an important time for shaping how we will make choices about investment in our places for many years to come.

We write this letter as we are heading into the summer recess period, and want to take this opportunity to provide an update on some aspects of our work programme, which we hope you will find interesting and helpful. We share some news about a restructuring of our team, update on progress with the wide-reaching planning reform programme and also on the transition away from the temporary arrangements which have guided the planning system's operation through the coronavirus pandemic.

## Planning, Architecture and Regeneration Division

Following a restructuring within the Scottish Government, our Regeneration Unit merged with Planning and Architecture in April to form a new Planning, Architecture and Regeneration Division (PARD). The new division sits within a broader Local Government and Housing Directorate, which also includes the More Homes and Better Homes Divisions, as well as the Building Standards and Local Government teams.

## National Planning Framework 4

The public consultation and parliamentary scrutiny period for the draft of [Scotland's Fourth National Planning Framework 'Scotland 2045'](#) has been completed. We have been very pleased with the level of interest in the draft, which has stimulated some thoughtful debate about the future of planning and places. The consultation attracted over 780 individual responses covering a wide range of interests, and we are very grateful to everyone who took the time to share their thoughts and aspirations with us. We have been encouraged that there is strong support for the general direction we have proposed for NPF4. You can view the consultation responses at:

<https://consult.gov.scot/local-government-and-communities/draft-national-planning-framework-4/>



Since the close of the consultation and parliamentary scrutiny, we have been carefully considering the wealth of evidence received as we review and refine the NPF4 text. We are committed to progressing to a final version as quickly as we can, but we are clear that it is most important that we get NPF4 right and that has been, and will remain, our focus. We intend to lay a revised draft for the Scottish Parliament's consideration and approval in the autumn, and to progress towards its adoption by Scottish Ministers thereafter.

Alongside that finalised NPF4, we will also publish a delivery plan that will become an important part of our future work programme, and which will identify and prioritise the guidance that we will bring forward to support NPF4 delivery.

### **Coronavirus (COVID-19): Relaxing Planning Control**

In our [November 2021 letter](#), we set out our aim to withdraw, at the end of September 2022, the temporary guidance which has supported relaxation of planning control during the coronavirus pandemic. In effect, we asked planning authorities to adopt a pragmatic approach and to exercise their discretion, particularly through choosing not to take enforcement action and allowing for temporary breaches of planning control that were considered to be reasonable in the circumstances.

While given as general advice, specific examples had included support for:

- the hospitality industry to provide outdoor seating and takeaway facilities;
- retail opening and deliveries outwith their conditioned hours;
- longer hours of operation on construction sites;
- holiday parks to stay open beyond their usual seasons; and
- the temporary use of car parks or other appropriate locations for overnight stops in campervans and motorhomes.

This has been crucial in helping businesses and services to diversify and continue to operate safely within our communities during very difficult times, and we know it has been welcomed by many.

The Scottish Government has always been clear that this relaxation guidance was temporary, while the coronavirus restrictions were in place, and that we would withdraw it when the time is right. We can now confirm that the guidance will be withdrawn with effect from 1 October 2022.

We recognised that there would likely be some unauthorised changes of use or operations which were initially intended to be temporary and had been enabled through this guidance, but for which there may be a wish to make the changes permanent. The advance notice last November of the guidance's impending withdrawal, giving a long run-in period, has been important in allowing sufficient time to apply for and obtain retrospective permissions, including any appropriate conditions being attached. We would urge anyone who wishes to make changes permanent but has not yet applied for any necessary permissions to act now.

Our earlier letters, dating from March 2020 onwards and containing the range of guidance on this temporary relaxation of planning control, is available to view at:

[www.gov.scot/collections/chief-planner-letters/](http://www.gov.scot/collections/chief-planner-letters/)

## Coronavirus (COVID-19) Legislation

Since the start of the pandemic in spring 2020, a suite of temporary legislative provisions has been in force which enabled specified aspects of the planning system to continue to operate at times when restrictions on movement and use of indoor spaces, and requirements for physical distancing, would otherwise have prevented those. Specifically, the Coronavirus Acts and associated regulations have provided for the temporary:

- Extension of the duration of planning permission, listed building consent and conservation area consent.
- Enabling of online publication of documents that are normally required to be available at physical locations.
- Suspension of the requirement for physical public events as part of the pre-application consultation with communities.
- Suspension of the requirement to make environmental impact assessment reports available at a physical location.

These temporary provisions are to expire at the end of September.

### *Emergency Permitted Development Rights*

There are currently temporary permitted development rights (PDR) in force, introduced in 2020 and expanded in 2021, which allow:

- development by, or on behalf of, local authority or health service bodies, involving the erection of temporary buildings or the temporary change of use of existing buildings or land for facilities associated with the pandemic; and
- the use of Crown land for purposes related to the pandemic.

In both cases, the intention of the temporary PDR was to facilitate a rapid and appropriate response to the pandemic by removing potential delay due to the need to secure planning permission. The temporary periods have been extended on several occasions, however we do not now intend to extend them further and therefore these PDR will cease on their current expiry dates. In practice, the relevant activities for local authority or health body developments are to cease by 30 June 2022; and for the use of Crown land, the use is to cease 24 months from the date the use started. The land is subsequently required to be restored to its previous use and temporary buildings removed within the timescales as specified in the PDR, unless of course planning permission is sought and granted for their retention.

## Town Centre Action Plan 2

*“Towns and town centres are for the wellbeing of people, planet and the economy. Towns are for everyone and everyone has a role to play in making their own town and town centres successful.”*

This is the vision developed by the independent Town Centre Action Plan Review Group, as featured in its report [A New Future for Scotland's Town Centres](#) (February 2021). In April, a [joint response by the Scottish Government and COSLA](#) welcomed that vision and outlined a series of actions to better embed a 'Town Centre First' approach that will meet the needs and aspirations of communities and tackle climate change. Working in partnership with local government, we have recognised how vital town centres are for Scotland's economic, environmental and social wellbeing. Our towns and town centres are the places where people and communities live, work and relax and therefore where a wide range of policies and investments interconnect and interact.

This Town Centre Action Plan 2 is a national call to action. It was developed following extensive conversations across sectors, listening to and working with individuals, groups, communities, organisations, businesses and councils. It builds on work to support town centres during the pandemic, and aims to ensure the economic, social and environmental health of town centres is at the heart of decision making.

## Digital Transformation of Planning

The 5-year digital transformation of planning programme has entered year 2. During the first year, much of the work towards delivery has gone on behind the scenes, for example in establishing the programme governance arrangements and progressing the technical foundations needed to underpin the suite of new digital planning services to come.

Some early outputs are starting to show on the first elements of those new digital services, most noticeably towards a new single payment system and fee calculator for planning and building warrant applications. That will tackle a long-running frustration and source of delays in application processing by improving payment, document submission and notifications. Meanwhile, the first phase of work towards a new Planning Scotland Gateway concluded recently. That will be crucial to the user-friendly nature of digital planning, bringing access to all planning information and services together through a single online entry point. The next generation 'smart applications' service, to simplify the planning and building standards application processes and improve experiences, has just taken a big step forward through the appointment of StormID to work with our Digital Planning team, engage stakeholders and develop a working prototype. This is including a digital approach to reducing invalid applications and allowing applications to progress more quickly with real-time tracking and notifications.

Year 2 priorities for the programme have been set following some short, intensive stakeholder engagement earlier this year. We can expect to see good progress on all of those aspects mentioned above, including completion of the single payment system and a first version of the gateway portal during 2023. Also coming in the next year, we expect good progress on delivering a strategy for open source availability of reliable data to support decision-making, on improved digital handling of applications for planning and building consents, including better use of 3D visualisation technology, and on backing that up through digital skills development for the workforce.

Through our Resource Spending Review, we have recognised and committed to rapidly digitising Scotland's public sector. From the outset of planning reform, digital transformation has been a vital element of how we deliver our new planning system and we are delighted to see this progress starting to become more visible. We will be saying much more about this programme in the months and years to come, and we are keen to involve the planning and building community in designing the new services.

## Planning Reform Implementation Programme

While much of the recent attention has been on the consultation on NPF4, in parallel we have also been working towards the arrangements for the **new-style local development plans** that will sit with the National Planning Framework as the statutory development plan. So strong are the links between NPF4 and LDPs that it was appropriate to consult on them at the same time, and also alongside the related **Open Space Strategy and Play Sufficiency Assessment** consultation. We do appreciate that running multiple consultations at the same time has asked a lot of everyone involved in planning, but we hope you will

consider this to be a worthwhile investment of your time and efforts. The final versions of these regulations and guidance will come into force after NPF4 has been adopted.

Following public consultation in 2020 on a package of changes to the arrangements for **pre-application consultation (PAC)**, [regulations](#) were laid in the Scottish Parliament last year. The regulations will require an additional mandatory public event as part of the consultation with communities, and they also set out the required content of PAC reports and identify a number of exemptions from the process. The introduction of these new requirements had, necessarily, been delayed while the requirement for physical PAC public events remained suspended under the temporary coronavirus legislation. With those temporary provisions coming to an end in September, the new PAC requirements will come into force on 1 October 2022. We will publish guidance on the new procedures.

In May, we published a public consultation on phase 2 of the **review of permitted development rights**. This [consultation seeks views on new and extended PDR](#) related to electric vehicle charging infrastructure, changes of use in city, town and local centres and also for port development. The consultation is open until 3 August.

The [Transforming Planning in Practice work programme](#) sets out remaining actions towards the implementation of the 2019 Planning Act and wider planning reforms. We are very well aware of the need to carefully phase this work, recognising the resource and capacity implications for everyone. We will continue to update on the phasing and timing.

We intend to commence the 2019 Act's provisions relating to the **duration of planning permission** on 1 October 2022, to coincide with the expiry of the temporary duration measures provided for by the Coronavirus Acts. The principal change will be that the duration of planning permission is to be specified as a condition of the permission. We will update the development management circular to reflect the new arrangements.

**Planning application fees** were increased substantially in April. Yesterday, we published [Planning Circular 2/2022](#), which provides guidance on the new Fees Regulations. We have been pleased to hear from some authorities that the increases are being reinvested in planning budgets and staff recruitment. Through our shared work with the High Level Group on Planning Performance, we are continuing to work towards achieving full cost recovery. We have also been very keen to support the important 'Future Planners' work being led by Heads of Planning Scotland and the Royal Town Planning Institute in Scotland, to help ensure the new planning system is resourced and skilled up for delivery. Another aspect of the planning reform programme we will be progressing further over the coming months is the package involving **elected member training**, guidance on the appointment of **Chief Planning Officers**, new arrangements for **performance management** and the forthcoming appointment of Scotland's first **National Planning Improvement Coordinator**.

You can keep up-to-date and view all planning reform consultations and legislation at [www.transformingplanning.scot/planning-reform/](http://www.transformingplanning.scot/planning-reform/).

## Notification of planning applications: energy from waste / incineration facilities

Last November, we issued a [direction](#) which required notification to Scottish Ministers of planning applications for energy from waste / incineration facilities during the independent review of the role of incineration in Scotland's waste hierarchy. The [report of the review](#) was published on 10 May, following which the [Scottish Government's response](#) has confirmed that, in light of the review's findings on capacity, the notification direction will remain in place.

## OurPlace.scot

The [OurPlace.scot](https://www.ourplace.scot) website was launched at the start of this year, and we hope you have been making use of its contents. Developed through a partnership between the Scottish Government, Architecture and Design Scotland, Public Health Scotland, Glasgow City Council and the Improvement Service, the site is devoted to promoting the importance of place and of place-based working. Recognising how the places we live, work and relax play a significant role in our health and wellbeing, OurPlace.scot brings information, tools, resources and case studies together in one place, and can provide good value across the sectors, including for those communities interested in preparing local place plans.

## World Urban Forum, Katowice, Poland

Finally, this week we have been delighted to be participating and contributing as part of a Scottish delegation at the 11<sup>th</sup> session of the UN-Habitat [World Urban Forum](https://www.unhabitat.org/world-urban-forum) in Katowice, Poland, with a focus on 'Transforming our Cities for a Better Urban Future'. This has presented an excellent opportunity to share Scotland's experience of sustainable urban development and spatial planning and our ambition for NPF4 with an international audience, and to hear and learn from our counterparts and colleagues in other countries as we work together on global responses to the climate emergency, building on COP26 outcomes.

Being a part of this gathering has served as a very good reminder of why we do what we do, and of the vital importance of the choices and decisions we are collectively making in planning right now, and what they will mean for future generations.

## Staying in touch

We hope you have found this update helpful, and also that you are able to enjoy some good quality relaxation time over the summer holiday period.

Your feedback is always very welcome. Please send any thoughts you wish to share to [chief.planner@gov.scot](mailto:chief.planner@gov.scot).

Please also make sure you follow us on Twitter [@ScotGovPlanning](https://twitter.com/ScotGovPlanning) and [@DigiPlanningSG](https://twitter.com/DigiPlanningSG) and [register for Planning and Architecture News updates](#).

Yours faithfully



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and Community Wealth