

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

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Dear Colleague,

We are writing this letter to update you on a number of matters in relation to planning in Scotland. This is the first time we have written to all planning stakeholders since our appointments this year as Minister for Public Finance, Planning and Community Wealth and as the Scottish Government's Chief Planner. We are very grateful for the support and welcome we have received in our respective new roles.

This year has continued to present some challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. So we want to take this opportunity to say thank you.

In this letter, we provide an update on some of the guidance and legislation which has been in place during the pandemic. We also update on some other recent work of the Planning and Architecture Division and highlight activity coming soon.

Coronavirus (COVID-19): Relaxing Planning Control

As you will likely be aware, since March 2020, the Scottish Government has encouraged a relaxation of planning control where doing so can help businesses and services to diversify and continue to operate within our communities during the 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 allow for temporary breaches of planning control that are considered to be reasonable in response to the challenges presented by living through the pandemic.

While you will recognise this 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.

We know that this approach has been very much welcomed and appreciated by businesses and services, and also by their customers. We also recognise though that in some places this may have introduced some localised impacts within our communities, where operations have been carried out without those impacts having been formally scrutinised through a planning application process.

We are aware that during the pandemic there have been some changes of use and operations carried out around Scotland without planning permission, initially on a temporary basis, which people and businesses may now wish to continue permanently.

From previous letters, you will know the Scottish Government has always been clear that this relaxation guidance was temporary and that we would withdraw 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. We have reviewed the guidance regularly.

There are time limits within which planning authorities can take enforcement action, after which a breach of planning control would become lawful and therefore immune from planning enforcement. In most circumstances, that is a period of four years from the start of the breach. This means that this planning relaxation guidance must come to an end in good time to allow for any appropriate enforcement action to be taken, if needed in any instances, after the guidance has been withdrawn but before the expiry of that four year period.

For now, we are asking again that the broad approach of relaxing control continues where reasonable and appropriate to support the national response to COVID-19. We can also now advise that we aim to withdraw this guidance supporting relaxation of planning control at the end of September 2022.

This further period reflects that there remains a need to help businesses and services to operate and to recover as best they can, while still working with the mitigations and protections in place. It also reflects that changes of use that can be supported permanently will need to be regularised, including with any appropriate conditions attached. Those who have been benefitting from being allowed to operate temporarily without necessary planning permissions should use this time to apply for, and obtain, retrospective permissions before next September if they wish to continue beyond that point.

We will write again whenever needed to provide further updates and to confirm the arrangements for withdrawal of this temporary relaxation guidance.

Earlier guidance on this is available to view at: www.gov.scot/collections/chief-planner-letters/

Coronavirus (COVID-19) Legislation: Emergency Permitted Development Rights

In response to the pandemic, temporary permitted development rights (PDR) were created in 2020 to allow development by, or on behalf of, local authority or health service bodies, which allow the erection of temporary buildings or the temporary change of use of existing buildings or land for facilities associated with the pandemic. Examples include the provision of additional accommodation for patients/healthcare workers on hospital sites, the use of some public buildings as testing centres, temporary hospital provision etc.

Further temporary PDR were introduced in early 2021 to add similar provisions allowing for the use of Crown land for purposes related to the pandemic; for example, the establishment of drive-in test centres and vaccination centres.

In both cases, the intention of the temporary PDR is to facilitate a rapid and appropriate response to the pandemic by removing potential delay due to the need to secure planning permission. Both PDR have been used and continue to be used in a number of locations across Scotland.

In both cases the PDR are time limited, currently due to expire on 31 December 2021 and with a requirement that the activities cease by a certain date or after a certain period, with the land being restored to its previous use and temporary buildings removed, unless planning permission was sought and granted for their retention. We will shortly lay further legislation in the Scottish Parliament to extend the provisions of the emergency PDR to mid-2022.

National Planning Framework 4 (NPF4)

In advance of laying the draft NPF4 in the Scottish Parliament for scrutiny and publishing it for extensive public engagement and consultation, last week we published the [NPF4 Participation Statement](#). The statement sets out details of the scope of our engagement and will be supplemented by further details and supporting information when we publish the draft.

We are going to have a really exciting conversation about how Scotland develops over the next few decades, tackling the big challenges and embracing opportunities. The immediate future of how we plan our places and how we develop is going to be crucial to Scotland's recovery and to our contribution to achieving net zero by 2045.

The development of the draft NPF4 has already benefited from extensive stakeholder engagement through both our early Call for Ideas and the Position Statement consultations. We would like to thank all stakeholders for their input and enthusiasm so far and would encourage you all to continue to engage when we publish the draft for consultation, coming soon.

You can keep up-to-date with progress on NPF4 and access associated resources at: www.transformingplanning.scot/national-planning-framework/.

Planning Reform Implementation Programme

Last week, we published an updated [Transforming Planning in Practice work programme](#) for implementation of the Planning (Scotland) Act 2019 and progressing wider planning reforms, after much of the work had been paused during the pandemic. The updated work programme summarises progress to date and sets out a new schedule for the remainder of the implementation of the 2019 Act. Our intention is that most sections should be in force by the end of 2022.

Implementation of the Act continues to run alongside other planning reform workstreams, including NPF4, a review of permitted development rights, digital transformation of planning and the promotion of place.

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

Digital transformation of planning

In March we launched the [Digital Transformation of Planning programme](#), which signalled the start of the delivery of the Digital Strategy for Planning across the next 5 years; inviting partnership working and involvement in the delivery through early adoption, user research engagement, and support with key decision making.

We have since identified the 7 key priority deliverables for the first year of the programme which are aligned to our 5 strategic missions. These are:

- Mission 1: Data – we have begun a programme of improving and making planning data accessible for collaborative place-based planning.
- Mission 2: Digital Technologies – we are laying the technical foundations for the programme ensuring we can deliver efficient and effective change. In the first instance, we are focusing on Smart Applications and Payments systems as well as rethinking our website for full accessibility and usability.
- Mission 3: Ways of Working – we have been working in partnership with the RTPI and EKOS to understand the digital skills needs in the planning sector, to allow us to form an approach that will equip planners with the right skills for a digital future.
- Mission 4: People – we are providing critical digital support for the development of NPF4, using GIS data expertise and other mapping. In addition, we have launched PlaceBuilder, a digital engagement tool that puts communities at the centre of shaping their places.
- Mission 5: Innovation – we are developing our thinking for a PlaceTech Innovation Lab that will encourage the ongoing incubation of new digital services and ideas for this programme and beyond.

We have made a good start and would encourage more involvement of key groups touched by the digitisation of the planning system. Look out for progress with the digital transformation programme and for opportunities to get involved at:

www.transformingplanning.scot/digital-planning/

Staying in touch

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.

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



Dr Fiona Simpson
Chief Planner



Tom Arthur
Minister for Public Finance, Planning
and Community Wealth