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THE TOWN AND COUNTRY PLANNING REGULATIONS 2020

SCOTLAND: MISCELLANEOUS TEMPORARY MODIFICATIONS DUE TO COVID-19

BY FRASER LITTLEJOHN

The Coronavirus (Scotland) Act 2020 was unanimously passed by the Scottish Parliament on the 1st April 2020. It introduced a range of emergency powers to mitigate the widespread impact of the virus.

Following on from an article by [Craig Wallace](#) on the '[Implications of the Act](#)' for the planning system, we were keen to update you further and let you know that the **Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020** comes into force today (Friday 24 April 2020).

The following key changes provided for in the Regulations are of particular note and have the potential to assist in keeping proposals moving forward through the planning process:

STATUTORY PRE-APPLICATION CONSULTATION (PAC)

The Regulations introduce a *"temporary relaxation of pre-application consultation requirements during Coronavirus emergency period"*.

This relaxation will apply to all Major applications for planning permission submitted to a Local Authority during the emergency period, or within a period of the six months immediately after. It applies to Proposal of Application Notices submitted before, or during, the emergency period.

LOCAL REVIEW BODY

The requirement to hold a meeting of a Local Review Body in public has been removed by the Regulations for the duration of the Coronavirus emergency period.

ENVIRONMENTAL IMPACT ASSESSMENTS (EIA)

During the emergency period, developers will not be required to ensure that a copy of an EIA is available for inspection at a given place or address.

For the purpose of the Regulations, the "emergency period" begins today and will end when the Coronavirus (Scotland) Act expires. This will be on 30 September 2020 at the earliest, six months after the Act came into force, or on 30 September 2021 at the latest.



WHAT'S NEXT?

Further guidance as to how pre-application consultation will work in practice was published yesterday. Prospective applicants are expected to replace the requirement for a physical, face-to-face public event with an alternative, online version, so that local people can still be engaged and have an opportunity to influence proposals that may affect them. Importantly the guidance looks not just to allow for 'one way traffic', with those submitting views not seeing a response until the application itself is made with a PAC report. Live and interactive web-based consultations for example would be a component of what Scottish Government would expect to see as a minimum temporary substitute for a face to face public event.

Whilst the current circumstances provide an opportunity to get creative, particularly in the context of pre-application consultation and virtual engagement, this guidance is essential to ensure that statutory requirements are still being met.

The Coronavirus (Scotland) Act was not as extensive as the planning and development industry would have hoped for in relation to planning matters.

Different local authorities are evidently taking different approaches to holding virtual committee meetings, on being able to neighbour notify, and in respect of the requirement to display site notices for example.

These matters are critical to progressing applications through the planning process and without further guidance, have the potential to frustrate developers and planning authorities alike, who are both keen to advance matters and to drive economic investment.

These Regulations are a significant step in the right direction, and hopefully there will be more to come to provide the much needed clarity and direction to keep the system working and help us all on the road to recovery.

FOR ALL OF OUR LATEST INFORMATION, GUIDANCE AND UPDATES ON THE EMERGING CORONAVIRUS LEGISLATION VISIT OUR [COVID-19 HUB](#) OR CONTACT ONE OF OUR TEAM TO DISCUSS FURTHER...

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