

# MONTAGU EVANS TALKS...

## WHAT IMPACT HAS COVID-19 HAD ON THE PLANNING SYSTEM?

BY PAUL BURLEY

We have been getting lots of questions from a range of people wondering how the planning system is faring in the light of the current circumstances. The good news is that, like us, many Officers are working remotely and are finding even more time to work through their caseloads without the usual distractions that everyone has in the office.

**We've pulled together a few of the usual questions to help assist with any concerns.**

### DAY-TO-DAY CASEWORK

This is mostly proceeding unaffected but there can be issues with registering large applications and getting consultation letters out. Some authorities want to post these themselves so that they are sure that they have gone out but others are welcoming applicants' assistance in organising this, for example through a mailshot company. We have found that all manner of meetings, including DRPs, have worked well on the various platforms that we are using (Webex, MS Teams, Zoom and so on).

### DECISION-MAKING

Many decisions are now being delegated from Committees to Officers depending on each authority's constitution. Section 78 of the Coronavirus Act 2020 enables Committees to take place remotely, eg by video conference. The delay to elections also opens a window of activity that was previously assumed to be closed because of 'purdah'. Bear in mind this will now take place in spring 2021 when you are programming planning applications.

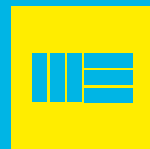
### APPEALS

PINS has advised that hearings, inquiries and site visits are postponed for the foreseeable future or converted to written representations (albeit some will not be suitable for conversion). Once the current situation passes, the consequence is likely to be a backlog of inquiries and hearings which will need to be heard and therefore we could be looking to longer timescales for inquiries generally but it also may have a knock on for Local Plan examinations due to pressure on human resources.

### LOCAL PLANS

Technological solutions are unlikely to be suitable to facilitate the examination process in some cases. Whilst the progression of examinations is a matter for the examiner, delays to the adoption of local plans will affect some planning strategies, particularly where reliance might be placed on the prospect of a site allocation (eg to support a disposal or the grant of planning permission).

This is something to keep a close eye on – the Government wants all local planning authorities to have up-to-date local plans by Dec 2023 and it will prepare to intervene where LPAs fail to meet the deadline ([see paragraph 11: https://lnkd.in/gdjeZXm](https://lnkd.in/gdjeZXm))



## MORE REFORM?

The aforementioned document notes that in the Spring of 2020 the Government will publish an "ambitious" Planning White Paper which offers creative solutions to establish a planning system that works for the next century. It says that *"We will take a fresh and sensible look at planning rules to support local areas to plan, especially in the urban areas where they are most needed. We will also modernise the system, accelerate planning decisions and make it easier for communities to engage and play a role in decisions which affect them."*

This document signals a continued drive to boost housing supply – the Housing Delivery Test threshold will be 75% in November 2020 and the New Homes Bonus will be reformed to incentivise delivery. The housing need formula will also be reviewed.

Something to look out for, especially for very large developments, are the infrastructure facilitation measures (see paragraph 12) – no doubt an acknowledgement of local communities' concerns that infrastructure lags behind housing delivery, and sometimes never materialises.

The mooted reforms will also include a review of planning application fees, most likely with some type of performance requirements. LPAs will also have to refund fees in the case of a successful appeal against refusal to incentivise committees to properly consider applications.

## TALK TO ONE OF THE TEAM



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