POLICY NOTE

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (CORONAVIRUS) (SCOTLAND) AMENDMENT ORDER 2020

SSI 2020/129

The Scottish Ministers make the above Order in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997, and all other powers enabling them to do so. Town and Country Planning is a devolved matter. The Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the GPDO"). The GPDO is a general development order granting planning permission for certain classes of development. The Order amends the GPDO to grant planning permission for certain development carried out by, or on behalf of local authorities or health service bodies for the purposes of preventing, reducing, mitigating or controlling the effects of the current emergency caused by the spread of the COVID 19 virus (the virus) and its impacts on public health.

Purpose of the amendment.

In light of the current public health advice relating to the virus, the purpose of this amendment is to grant planning permission for certain development. In so doing there will be no requirement for an application for planning permission to be made to, and considered by, the planning authority, thus avoiding the delay and uncertainty that this entails. This supports timeous reaction to the current public health emergency caused by the spread of the virus.

Policy Objectives

Planning permission is ordinarily required for new development in order to ensure that the development is appropriate, in terms of Development Plan policy and the protection of amenity, and sustainable. Permitted development rights, as set out by the GPDO, are intended to allow developments which have minimal impact on amenity and Development Plan policy to proceed without the delay which is involved in submitting a planning application. Planning authorities have a target of two months to determine a planning application; once an application is submitted the applicant has to wait until the application is determined before starting work. The removal of this period from the development process will enable the health authorities and local authorities to react to the virus more quickly.

As the developments which are required specifically to deal with the effects of the virus on public health will be in place for a temporary period only extending permitted development rights to cover such developments will not have a lasting impact on amenity. Residential amenity is protected by the amendment by requiring developments allowed under the amendment to be at least five meters away from the curtilage of the nearest dwelling, and by restricting the height of the development within 10 metres of the boundary of the development site. Protection is also given to heritage assets; development is not authorised by the amendment on a site of special scientific interest, a site of archaeological interest, a historic battlefield or a historic garden or designed landscape. Listed buildings are protected under separate legislation which is not affected by this amendment.

Planning permission granted by the Order is temporary. Any development or change of use permitted by the Order must cease by 31 December 2020, and the site or building must be returned to its previous condition within six months . This date is later than the end date of the

emergency period specified in the Coronavirus (Scotland) Act 2020 (30 September 2020) to take account of the measures which will continue to be required to deal with the impact of the virus on public health following the end of the emergency period.

Consultation

As this is an emergency measure, and intended to be temporary, no formal public consultation has been undertaken. The amendment has been discussed with practitioners in local authority development management services and representatives of the NHS.

Financial Effects

There will be no financial costs imposed on health authorities or local authorities as a result of the amendment. Indeed, there will be a cost saving as they will be spared the costs of preparing and submitting a planning application. The planning authority will not receive a fee for a planning application as they otherwise would, but will not incur the staff time and other costs of determining an application.

Assessments

We have carried out a Business and Regulatory Impact Assessment and Equalities Impact Assessment (EQIA), though we have been unable to carry out the normal consultation on these. We have screened out at stage one of Children's Rights and Welfare Impact Assessment (CRWIA), as the changes are technical and temporary changes driven by the public health policy. Similarly, we have screened out of the Fairer Scotland Duty Assessment, as the changes are temporary and technical rather than strategic.

These Regulations fall out with the scope of Strategic Environmental Assessment as per Section 4(3)(a) as their sole purpose is to serve a civil emergency. A Data Protection Impact Assessment is not considered relevant to the changes. In the circumstances, we have not done an Islands Impact Assessment, though we acknowledge that more remote areas with more limited online capabilities may be at something of a disadvantage for this temporary period.

DLGC: Planning Division
Scottish Government
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