

**Virtual working and planning – Responding to Covid – 19 Restrictions**

**Introduction**

The planning system has a vital role to play in enabling the delivery of housing and economic growth that will support the UK's economic recovery. It is important that the system continues to operate effectively, ensuring that all those involved, including local authorities, the Planning Inspectorate, developers, statutory consultees, local communities and others can engage in the process while adhering to the Government's guidance on social distancing.

This Statement sets out the Government's expectations for how the planning system should be operating during the COVID-19 emergency. It applies to applications and appeals under the Town and Country Planning Act; Development Consent Orders under the Planning Act 2008; the Compulsory Purchase Order regime and to development plans, including neighbourhood plans and spatial development strategies.

**The role of digital**

Local planning authorities and the Planning Inspectorate drive the planning process forward and should ensure that it continues to operate effectively to support economic recovery. Moving to digital events and processes will be critical. This means adapting to working virtually, including virtual hearings and events (such as using video-conferencing and/or telephone) and making documents available for inspection online. The Government expects everyone involved in the planning process to engage proactively.

The Government considers that the current legislative framework allows for virtual hearings. It is confident that processes can be put in place in the vast majority of cases to allow for the participation of all parties. The Government recognises that the method by which hearings and events are conducted is a matter for the Inspectorate, operating in accordance with their legal obligations, and it expects these arrangements to be made as the default method of operation in the vast majority of cases. The Government recognises that in exceptional circumstances it may not be fair to proceed virtually and that alternative arrangements may be needed. These alternative arrangements should be taken forward speedily, where possible, taking into account the Government's guidance on social distancing.

The Government expects opportunities for virtual hearings and processes to be maximised. It will draw from current and emerging practice to inform policy and process in the longer term.

**Virtual events**

The Government fully supports the Planning Inspectorate's programme for moving to digital inquiries, hearings, meetings and other events. Digital events present opportunities to increase participation in planning processes which are important for local communities and will minimise the impacts of delays to planning decisions which might otherwise occur due to the requirements for social distancing.

The Inspectorate conducted the first digital hearing event on 11 May and will be quickly scaling up in relation to further virtual events during May and early June where this is consistent with fair participation. In doing so it will accommodate essential legal and procedural requirements. The Government expects events to be taking place virtually by mid-June, other than in exceptional circumstances.

The Government expects Inspectors and Examining Authorities to take decisions about whether and how virtual events should proceed and to consider the practical measures needed to ensure fair participation.

The Courts have led in demonstrating the successful use of technology to continue their work. Recognising that the use of technology to support virtual planning events may be challenging, the Government expects that appropriate measures are put in place by the Inspectorate to test the technology and ensure that it enables fair participation. It also expects the Inspectorate to identify those more exceptional circumstances where a virtual event may not be appropriate, making decisions about how to proceed based on the facts of each particular case.

**Digital documentation**

The effects of COVID-19 mean that it is not always possible to access public buildings. As a result, access to planning documents by making them physically available for inspection at local libraries, council offices etc, is now not available. During these exceptional circumstances, the Government considers that online inspection of documents should be the

default position across all planning regimes, and it is actively exploring all options to achieve this.

The Government recognises there are sections of the community with limited or no access to the internet and authorities and developers should take reasonable steps to ensure those without access are involved and consider alternative and creative ways to achieve this where possible. This could for example, include sending out documents by CD or USB stick where this meets the needs of those requesting such documents.

As restrictions are eased, planning authorities and others should integrate the range of methods that are available to them into their approaches to ensure all sections of the community are reached as thoroughly as is practically possible.

**Site Visits**

Site visits, whether conducted by local authorities, planning inspectors or statutory consultees, are an important part of the process of considering development proposals and plans. Where site visits are required or necessary, they should be undertaken in line with the Government's guidance on social distancing and safety requirements. .

The Planning Inspectorate will be restarting site visits from mid-May. The Government supports the Inspectorate's determination to facilitate site visits. It will expect Inspectors to use their judgement in deciding if a site visit is necessary or whether alternative approaches are acceptable, taking account of the particular circumstances.

**Publicity and community engagement**

The Government will introduce from tomorrow temporary regulations to supplement the existing statutory publicity arrangements for planning applications, listed building consent applications and environmental statements for EIA development.

Local planning authorities (and applicants of EIA development under the TCPA) now have the flexibility to take other reasonable steps to publicise applications if they cannot discharge the specific requirements for site notices, neighbour notifications or newspaper publicity. These steps will notify people who are likely to have an interest in the application and indicate where further information about it can be viewed online. These steps can include the use of social media and other electronic communications and must be proportionate to the scale and nature of the proposed development.

Guidance to accompany these regulations will also be published to highlight what alternative publicity local planning authorities could undertake. In particular, if local newspapers are not circulating in their area, authorities should seek to use local online news portals in the first instance.

In relation to development plans, the Government has issued additional planning guidance on reviewing and updating Statements of Community Involvement and Neighbourhood Planning to support authorities and neighbourhood planning groups in engaging with their communities on their plans at this time

**Guidance and Advice**

The Planning Inspectorate has published and regularly updates guidance on its work during the COVID-19 social distancing measures, which can be viewed here (<https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>).