

Changes to Planning Practice Guidance and Associated Guidance

Published 13 May 2020

Updates in response to COVID-19

Updated Section(s):	Consultation and pre-decision matters	Click here
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Only those paragraphs which have been amended in the latest guidance are included; note that the paragraph numbering is not sequential but follows the order in the Guidance.

Consultation and pre-decision matters

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#coronavirus>

Paragraph	Additional content published 13 May 2020
<p>Paragraph 035</p> <p>Reference ID: 15-035-20200513</p>	<p>Why have temporary publicity and physical inspection requirements for planning applications been introduced?</p> <p>Temporary changes to the publicity requirements for certain planning applications have been introduced through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process.</p> <p>These temporary changes give local planning authorities (and in the case of certain applications for EIA development, applicants) greater flexibility in relation to the way they publicise the planning applications if they are not able to comply with a particular requirement because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement.</p>
<p>Paragraph 036</p> <p>Reference ID: 15-036-20200513</p>	<p>Which types of planning applications do the temporary publicity changes apply to?</p> <p>The temporary changes apply to the following types of application:</p> <ul style="list-style-type: none"> • applications for planning permission made to local planning authorities (including an application for EIA development accompanied by an environmental statement) • applications for listed building consent • applications for variation or discharge of conditions attached to listed building consent • applications for planning permission affecting the setting of a listed building or the character or appearance of a conservation area made to local planning authorities • applications made by local planning authorities to the Secretary of State for listed building consent for the demolition, alteration or extension of a listed building • applications for planning permission or a subsequent application for EIA development which has been made without an environmental statement, where the applicant proposes to submit such a statement <p>submission of further information to supplement an environmental statement</p>
<p>Paragraph 037</p> <p>Reference ID: 15-037-20200513</p>	<p>Under the temporary publicity requirements, what is a local planning authority or an applicant required to do?</p> <p>The temporary publicity requirements still require local planning authorities (and in the case of certain applications for EIA development, applicants or recipients of further information) to publicise planning applications so that those with an interest can make representations and effectively participate in the decision-making process. Consultation, transparency and community engagement are key to effective decision-making in local planning authorities.</p>

	<p>The temporary changes give local planning authorities greater flexibility in how they publicise certain planning applications during the response to coronavirus. Table 1 sets out the specific publicity requirements for different types of application. If a local planning authority is able to comply with one or more of these specific requirements to publicise an application by site display or by serving the notice on an adjoining owner or occupier, or publishing the notice in a local newspaper, the authority must comply with that requirement. For example, if there is currently a local newspaper in circulation in which the authority can publish the notice, they must do so (if that is a requirement.)</p> <p>However, if the authority is not able to comply with a requirement which applies to that application because it is not reasonably practicable for reasons connected to the effects of coronavirus, including restrictions on movement, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where notice of the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.</p>
<p>Paragraph 038</p> <p>Reference ID: 15-038-20200513</p>	<p>What other reasonable action does a local authority need to take if it cannot comply with a requirement to display site notices, issue neighbour notification letters, or use newspaper publicity?</p> <p>If a local planning authority is not able to comply with a particular requirement to give notice by these means, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where details about the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.</p> <p>Forms of electronic communication might include, but are not limited to:</p> <ul style="list-style-type: none"> • council mailing lists • using social media such as Facebook and Twitter • using the local authority’s website • using local online newspapers • issuing a weekly press bulletin • informing local neighbourhood forums and parish/town councils by email • informing local community, amenity and environmental groups by email <p>Local planning authorities will also wish to consider other methods of local communication to bring applications to the attention of those who are likely to have an interest in the application but may not have internet access. This will help to provide them with information that would enable them to make relevant representations. Examples could include local community newsletters, local radio stations, adverts outside council offices and other public buildings, and the use of community noticeboards at supermarkets and other local centres or a method of publicity which is one of the existing statutory methods of publicity even though it is not required for that particular application.</p>
<p>Paragraph 039</p> <p>Reference ID: 15-039-20200513</p>	<p>What should a local planning authority do if a newspaper is not currently in circulation in the area?</p> <p>If a local planning authority is not able to comply with a requirement to give notice in a newspaper, when considering what reasonable steps to take to inform any persons who are likely to have an interest in the application they should take into</p>

	<p>account the fact that a local newspaper that was previously circulated in the area may have an online version or that there may be another online local news portal available. Use of these would support local independent news reporting during the response to the coronavirus and help to publicise the application.</p>
<p>Paragraph 040</p> <p>Reference ID: 15-040-20200513</p>	<p>How should a local planning authority determine which people are likely to have an interest in an application if it needs to take other reasonable action?</p> <p>If a local planning authority is not able to comply with a specific publicity requirement, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application. These persons must include those who live or work in, or otherwise have a direct connection with the area in which the proposed development or works are situated. Depending on the scale and impact of the proposed development, these persons may include community groups and specific interest groups (national as well as local in some cases) who may wish to provide representations on the application.</p>
<p>Paragraph 041</p> <p>Reference ID: 15-041-20200513</p>	<p>What issues should a local planning authority consider in ensuring the reasonable steps they take are proportionate to the scale and impact of the development?</p> <p>The temporary changes allow local planning authorities to take a flexible and pragmatic approach according to their local circumstances. Where local planning authorities need to use the flexibilities they are required to publicise an application in a manner which is proportionate to the scale and impact of the development.</p> <p>Local planning authorities should identify which options are most suitable for the scale and impact of the proposed development, and appropriate for their local community. Greater and more frequent publicity would be appropriate where the potential impact of the planning application is expected to generate a large volume of representations. This may be the case, for example, for large scale applications and those applications related to listed buildings, or departures from the local plan, or where there has been a previous application which has attracted interest. Publicity for applications for householder and minor development should be focused on the immediate locality.</p>
<p>Paragraph 042</p> <p>Reference ID: 15-042-20200513</p>	<p>Should information about all applications be made publicly available on the local planning authority's website?</p> <p>Yes. The temporary changes have not removed requirements placed on local planning authorities to publish information about applications on their website under the temporary publicity requirements. Where the flexibilities are applied the authority must publish the required publicity notice on their website.</p>
<p>Paragraph 043</p> <p>Reference ID: 15-043-20200513</p>	<p>What information must be included in a publicity notice by a local planning authority for an application?</p> <p>The publicity notice for an application for planning permission including an application for (including an application for EIA development accompanied by an environmental statement) must be in the form set out in Schedule 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or in a form substantially to the same effect. The specific information requirements depend on the type of application.</p> <p>In these cases the notice must include the address at which the application and associated documents may be inspected. After commencement of the amending regulations, if the authority is not able to make arrangements for physical</p>

	<p>inspection (see paragraph 046) the authority need not include in the notice an address for physical inspection if it includes the address of the website on which the application and associated documents are published on the planning register.</p> <p>For listed building consent applications, the information requirements for publicity notices are set out in Regulations 5, 5A and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. The notice must include the name of a place within the locality where a copy of the application and associated documents may be inspected. After commencement of the amending regulations, if the authority is not able to make arrangements for physical inspection (see para 12Q) the authority need not include in the notice an address for physical inspection if it includes the address of the website on which the application and associated documents are published on the planning register.</p>
<p>Paragraph 044</p> <p>Reference ID: 15-044-20200513</p>	<p>What changes been made to the minimum time limits for making representations to a local planning authority under the temporary publicity requirements?</p> <p>Local planning authorities must set out the time period for making comments when they publicise the application. Local planning authorities retain the discretion to extend the period for representations, where they consider it necessary. Under the temporary publicity requirements, in the case of applications for planning permission, the minimum period local planning authorities must give in a newspaper notice and on their website for representations, has been increased from 14 to 21 days (or longer where the period includes public or bank holidays). The period of 30 days for EIA applications remains unchanged. The period of 21 days (or longer where the period includes public or bank holidays) given for applications under the Planning (Listed Buildings and Conservation Areas) Regulations 1990 remains unchanged.</p>
<p>Paragraph 045</p> <p>Reference ID: 15-045-20200513</p>	<p>Should the planning officer’s report explain what publicity has been undertaken?</p> <p>Local planning authorities who exercise the temporary publicity flexibilities are encouraged to keep a record of how they notify the public about planning applications as evidence they took reasonable steps to engage people who live, work or carry on business in the area in the decision-making process. It may be appropriate to include information on the publicity undertaken in the planning officer’s report about the application.</p>
<p>Paragraph 046</p> <p>Reference ID: 15-046-20200513</p>	<p>Can a local planning authority make changes to its arrangements for enabling the public to physically inspect applications?</p> <p>It is a statutory requirement that applications for planning permission and associated documents are placed on the local planning authority’s planning register. The register must either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority’s area must be kept at a place situated in or convenient to that part be available for inspection at all reasonable hours. Local planning authorities may make the register available for inspection via a website.</p> <p>However, under the temporary arrangements, these requirements have been changed so where the local planning authority is not able to do make arrangements for physical inspection because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement, it is not required to do so. Instead, in those circumstances, it must make the planning register available on a website.</p>

	<p>The planning register must include an index to enable those interested to identify the application. Local planning authorities will wish to ensure documents can be easily found on their website and are clearly named. They will also wish to consider how they ensure that publicity includes sufficient information to allow the application to be identified, which could include providing the relevant planning reference number, or a hyperlink to the application when using social media.</p> <p>Local planning authorities must also comply with statutory requirements to make applications and associated documents available for physical inspection when they publicise applications under the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Similar changes have been made to those requirements.</p> <p>Local planning authorities may need to consider how they can support those who can only access information about planning applications by inspecting those documents at a local council office. This might include providing information over the telephone or by providing a hard copy of the relevant document by post.</p>
<p>Paragraph 047</p> <p>Reference ID: 15-047-20200513</p>	<p>Should local planning authorities revise their Statement of Community Involvement to reflect new publicity arrangements?</p> <p>Statements of Community Involvement (SCI) sets out how local authorities will consult with local communities on a wide range of issues, including planning matters. Local planning authorities may need to consider updating their SCI to explain how they will ensure local communities are consulted about planning applications, where they are unable to comply with normal requirements. Further information about SCIs can be found in the plan making chapter.</p>
<p>Paragraph 048</p> <p>Reference ID: 15-048-20200513</p>	<p>Which guidance relating to applications also applies specifically to EIA development accompanied by an environmental statement?</p> <p>Paragraphs 36 to 39, 42 and 46 (above) also apply to applications for EIA development accompanied by an environmental statement).</p>
<p>Paragraph 049</p> <p>Reference ID: 15-049-20200513</p>	<p>Under the temporary publicity requirements, what is an applicant of an EIA development required to do in terms of publicising the environment statement?</p> <p>Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, when an applicant submits an environmental statement after the planning application has been submitted, the applicant is responsible for publicising the environmental statement through giving notice by site display and the publication of a notice in a newspaper circulating in the locality.</p> <p>However, under the temporary publicity requirements, if an applicant is not able to give notice either by site display or by publication of the notice in a newspaper circulating in the locality because this is not reasonably practicable for reasons connected to the effects of coronavirus, including restrictions on movement, then it can publicise this notice by alternative means, including publishing the statement on a website.</p> <p>In such circumstance the notice requirements are also changed, and the applicant is not required to have a copy of the environmental statement and associated documents at an address in the vicinity to be expected, or to provide physical copies of these documents on request. Instead the applicant must make these documents available for inspection on the internet.</p>

	<p>Where an applicant makes use of these temporary flexibilities the applicant must, when submitting an environmental statement, provide a certificate stating the steps that were taken to bring the planning application to the attention of people who are likely to have an interest in the application, and why these steps were reasonable.</p>
<p>Paragraph 050 Reference ID: 15-050-20200513</p>	<p>What alternative means of publicity should an applicant for EIA development take to publicise an environmental statement?</p> <p>Under the temporary publicity requirements, an applicant for EIA development (who cannot place a site notice or a notice in a local newspaper due to the effects of coronavirus) must take other reasonable steps to inform any persons who are likely to have an interest in a planning application to which an environmental statement relates. This may include use of social media and communication by other electronic means and must be proportionate to the scale and impact of the development (see also paragraph 38 above).</p> <p>The notice published through these alternative means must state the website at which documents related to the application can be viewed online.</p>
<p>Paragraph 051 Reference ID: 15-051-20200513</p>	<p>Does an applicant of EIA development need to make hard copies of the environmental statement available for inspection at a published address?</p> <p>Under the temporary publicity arrangements, if the applicant of an EIA development is not able to provide a hard copy of the environment statement at a published address for inspection because it is not reasonable practicable for reasons connected to the effects of coronavirus, including restrictions on movement, then it is not required to make hard copies available for inspection. Instead, it must publish the environment statement on a website for inspection.</p>
<p>Paragraph 052 Reference ID: 15-052-20200513</p>	<p>What does a local planning authority, Secretary of State or inspector have to do to publicise any additional information, related to an environmental statement, it has received from an applicant?</p> <p>The regulations amend the requirements in regulation 25 which sets out the publicity requirements that must be followed where an applicant or an appellant has submitted an environmental statement and the relevant planning authority, the Secretary of State or the inspector dealing with an application or appeal requires that the environmental statement be supplemented with additional information by the applicant or appellant.</p> <p>Where the recipient of further information is not able to publish a notice in a local newspaper circulating in the locality, make copies of the further information available for inspection at an address in the locality in which the land is situated, or make copies of the further information available to be obtained at an address in the locality because it is not reasonably practicable to do so, for reasons connected to the effects of coronavirus, it must take reasonable steps to communicate the notice to people who are likely to have an interest in a planning application, including people who live or work in, or otherwise have a direct connection with, the area in which the proposed development is located.</p>

Neighbourhood Planning

<https://www.gov.uk/guidance/neighbourhood-planning--2# covid-19>

Paragraph	Additional content published 13 May 2020
<p>Paragraph 107</p> <p>Reference ID: 41-107-20200513</p>	<p>What changes have been introduced to neighbourhood planning in response to the coronavirus (COVID-19) pandemic?</p> <p>The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for neighbourhood planning including: the referendum process; decision-making; oral representations for examinations; and public consultation. This planning guidance supersedes any relevant aspects of current guidance on neighbourhood planning, including in paragraphs 007, 056, 057, 061 and 081 until further notice.</p> <ul style="list-style-type: none"> • Referendums: All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021. • Decision-making: Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application. • Examinations: The general rule remains that examinations should be conducted by written representations. If an examiner considers that oral representations are necessary, these should not take place in person. Wherever possible, oral representations may still take place using video conferencing or other suitable technologies. • Public consultation: The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. It is not mandatory that engagement is undertaken using face-to-face methods. However, to demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access, more targeted methods may be needed including by telephone or in writing. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods and how to reach certain groups in the community. <p>There are also requirements in the Neighbourhood Planning (General) Regulations 2012 that require at some stages of the process for neighbourhood planning groups and local planning authorities to publicise the neighbourhood planning proposal and publish details of where and when documents can be inspected. It is not mandatory for copies of documents to be made available at a physical location. They may be held available online. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods that will provide communities with access to physical copies of documents.</p>

Plan-making

<https://www.gov.uk/guidance/plan-making#coronavirus>

Paragraph	Additional content published 13 May 2020
<p>Paragraph 076</p> <p>Reference ID: 61-076-201200513</p>	<p>How should local planning authorities respond to the coronavirus (COVID-19) pandemic when progressing local plans?</p> <p>The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for local authorities and local plan-making, including how the public are engaged and the ability of authorities to comply with policies set out in their Statements of Community Involvement. This planning guidance focuses on how local authorities can review and update their Statements of Community Involvement and should be read in parallel with existing guidance on Plan-making, including paragraphs 34, 35 and 71. If there is any conflict, this guidance supersedes current Plan-making guidance until further notice.</p>
<p>Paragraph 077</p> <p>Reference ID: 61-077-201200513</p>	<p>Should the Statement of Community Involvement be reviewed and updated in response to the coronavirus (COVID-19) pandemic?</p> <p>Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue.</p>
<p>Paragraph 078</p> <p>Reference ID: 61-078-201200513</p>	<p>How can a Statement of Community Involvement be reviewed and updated to comply with COVID-19 guidance?</p> <p>Local planning authorities will need to assess their Statements of Community Involvement to identify which policies are inconsistent with current guidance on staying at home and away from others or any superseding guidance. This could include, for example, holding face-to-face community consultation events or providing physical documents for inspection.</p> <p>The local planning authority should then make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable. Local planning authorities are strongly encouraged to use online engagement methods to their full potential. Appropriate methods include virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website. Authorities will also need to take reasonable steps to ensure sections of the community that don't have internet access are involved and consider alternative and creative ways to achieve this. Authorities may wish to consider engaging sections of the community, that do not have internet access, through representative groups rather than directly, targeting only people in areas most affected by proposals, and allowing individuals to nominate an advocate to share views on their behalf. Consulting by telephone or in writing can also be used where this is feasible and alternatives can't be identified. Opportunities to combine public consultations can be explored so that offline methods can be made more cost effective.</p> <p>There is no requirement in legislation for local planning authorities to consult when reviewing and updating their Statement of Community Involvement, although it is good practice for authorities to inform the public of their intentions to update this</p>

	<p>document and of the changes that have been made. It is also good practice to make clear that the changes are only temporary whilst restrictions relating to COVID-19 are in place. However, where a local planning authority has made a pledge in their Statement of Community Involvement to consult on any changes, they may wish to take independent legal advice on how best to proceed.</p>
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