

## APPENDIX B

### Temporary Relaxation of Town Planning Controls to Support Economic Growth 21.07.20

Please identify any service issues that require resolution with regards to the COVID 19 crisis.

#### **Development Management:**

The relaxation of lockdown and progressive implementation of the Scottish Government's road map to recovery allowing for the resumption of commercial activities in town centres gives rise to potential conflict for the Council in its regulation of activities that require planning permission where existing businesses require to expand/adapt their operations in the short term to address constraints on operation arising from social distancing requirements.

The regulations governing the planning application process are defined in a manner which seek to facilitate engagement and as such cannot readily be adapted to provide a fast-track consent process to support the urgent short-term requirements for new temporary uses of town centre land and temporary structures within the time period required by businesses in the current, extraordinary circumstances.

The Scottish Government have also recognised that the planning process is a potential constraint on the resumption of economic activity within town centres and has issued advice via their Chief Planning Officer confirming "*that the most appropriate, straightforward and efficient means of ensuring that the planning process can allow for reasonable temporary changes of use is through informally relaxing planning controls; particularly by agreeing not to take enforcement action against acceptable breaches that will allow for businesses to operate and for some normality to return.*"

It is advised that the Development Management Service welcomes the guidance provided by the Scottish Government on this matter and has sought to work proactively with other Services, including Licencing, Roads, and Environmental Health in their establishment of a 'fast track' consent process to facilitate resumption of business activity in town centres. In responding to these consultations it has however become evident that, in the absence of confirmation of the Council policy position on the implementation of local relaxation of planning control it is difficult for officers to provide clear, consistent and professionally

competent advice to businesses, consultees or complainants on the extent that planning relaxations apply or effectively sanction unauthorised development.

In order to provide Development Management Officers with a clear mandate to apply a relaxation of planning controls in the short term it is recommended that the Council adopt the following Planning Position:

*“For a temporary period up until **30<sup>th</sup> September 2020** Argyll and Bute Council as planning authority will not invite applications for planning permission or pursue planning enforcement action for development providing for the temporary change of use of outdoor areas and/or erection of temporary structures within the designated Town Centre areas of the Main Towns and Key Settlements (as defined in the adopted LDP) which are intended to provide on-street seating for existing cafes, bars, beer gardens and similar to accommodate physical distancing in relation to the resumption of operations in town centre businesses subject to the appropriate authorisations being obtained from Environmental Health, Licencing and Roads Authorities.*

*Following the expiry of the defined temporary period, or any subsequently prescribed extension of this period, all temporary uses shall require to be discontinued, temporary structures removed, and the land restored to its former condition unless express planning permission has been sought and obtained in the intervening period.*

*The installation of any permanent or semi-permanent structures or alterations to the public realm are not supported by these temporary measures and shall require the benefit of express planning permission in advance of works commencing.”*

2 Please identify service disruptions or potential closures? - None

3 State any recommendations you have for service suspensions.

Suspension of planning enforcement until **30<sup>th</sup> September 2020** in respect of unauthorised temporary change of use of outdoor areas/temporary structures within the designated town centres of Main Towns and Key Settlements where appropriate authorisations have been obtained from Roads, Licencing and Environmental Health.

Fergus Murray – Head of Development and Economic Growth