



To: Heads of Planning

27/03/20

Dear Colleague

The response to Covid-19 has required you to make rapid changes to your working practices, and I am thankful for the flexibility and resourcefulness you and your staff have shown. The situation is likely to last for some time, and we are under no illusion that planning services will be significantly disrupted and delayed while both local and national government pursue the main priority, to protect the NHS and save lives.

While the Welsh Government would like to maintain an effective planning service, we acknowledge that redeployment and sickness absence amongst staff will mean the statutory timescales for determining applications will be significantly more challenging to achieve.

Pre-application consultation

Developers are unable to fulfil a number of the requirements of the pre-application process. We are considering temporary amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) to remove the need for site notices and making information available for inspection at a location in the vicinity of the proposed development. Similar changes will be considered for Developments of National Significance. All pre-application publicity and consultation should be undertaken online where the option of delaying until after the current emergency is not available.

Legislation will be brought forward as soon as possible. In the meantime developers are encouraged to reach out to local communities using online services.

Covid-19 applications

While restrictions on movement remain, local planning authorities should prioritise applications, ensuring those directly relating to responding to Covid-19 are processed as a matter of urgency. Site visits for such applications are essential trips but officers must observe the social distance guidelines and use appropriate personal protective equipment in light of the individual circumstances of the visit.

The Welsh Government is considering providing additional permitted development rights for local authorities to undertake temporary development in response to the health emergency to avoid the need for an application to be submitted. A further announcement about this will follow.

Validation of applications

We encourage all applications to be made online via Planning Applications Wales to avoid the need for staff to work in the office. Authorities should contact their local agents to inform them that applications submitted in paper form will not be processed for some time.

All online applications should be validated so priority applications can be identified. Applications directly responding to Covid-19 such as additional health facilities should be prioritised. Some applications to maintain food supplies, telecommunications and energy networks are also important to the Covid-19 response and should be similarly prioritised.

Authorities should be mindful that some applications for prior approval could result in deemed approval, so should promptly identify where an application is needed. Applicants will need to understand however, the subsequent submission of details may not be considered quickly where the development does not contribute to the Covid-19 response.

Publicity and site visits

Other than for applications directly responding to Covid-19, we do not expect officers to make site visits. In terms of determining planning applications, it may be possible to undertake remote site visits using satellite imagery and google street view etc. but this will very much depend on whether the case officer has pre-existing knowledge of the site and surroundings.

We will be bringing forward legislation to temporarily remove the need for posting site notices. Although this will not address the need to visit sites for assessment purposes it will reduce the administrative burden in the short term.

In a similar way to developers at the pre-application stage, authorities should look to use social media and other online services in a creative way to widen public engagement with the planning system.

Planning Committees

Planning committee meetings have been cancelled and authorities have been considering different ways of working. The Welsh Government is considering how local authorities can continue to operate and we will be looking at whether the bespoke aspects of planning committees need to be amended. Regulations are likely to come forward using the powers set out in the Coronavirus Act 2020.

Determination timescales

We do not intend to change the determination timescales set out in the DMPWO, however we acknowledge the timescales will not be met in many cases. As such we will consider temporarily removing the provision in legislation to refund the planning application fee.

Developers should be encouraged to agree extensions of time but retaining the timescales means they can still appeal to the Welsh Ministers on the grounds of non-determination.

Appeals

Planning and other appeals are still being made and the Planning Inspectorate aims to process all case work normally as far as is possible. In order to assist them the Planning Inspectorate would appreciate your assistance in informing them of your ability:

- to supply Questionnaires and notify interested and statutory parties;
- to receive and forward postal representations received by you;
- to produce and submit Statements of Case and comments in response to representations;
- to receive enforcement fees from appellants/agents;
- process other casework such as rights of way, TPO appeal etc

If you could please send this information to wales@planninginspectorate.gov.uk **by 30 March**. This will assist the Planning Inspectorate to determine how it can work with you to keep the appeals process running. Doing so will hopefully avoid a significant demand on your resources once these current measures are relaxed and lessen uncertainty in communities by minimising delays to appeal decisions.

It would also assist the Planning Inspectorate if you could inform them of your arrangements for planning committees to meet and delegated decision made with

regard to the determination of planning applications the issuing of enforcement notices.

Enforcement

We anticipate a delay to the investigation of most enforcement complaints. Authorities should take a pragmatic approach and prioritise complaints. Those breaches of planning control which would merit the use of a stop notice or temporary stop notice require immediate attention from the local planning authority. Site visits in relation to such cases are essential travel and authorities should undertake appropriate risk assessment to ensure the safety of their staff when undertaking enforcement action.

Local authorities are on the front line in enforcing the measures necessary for the Covid-19 response and planning enforcement is one tool which is at their disposal. Authorities should therefore consider how planning services can integrate with regulatory functions to maximise the availability of limited resources.

Unauthorised development is undertaken at the developers own risk. While authorities are not expected to make site visits other than in the above circumstances, they should be prepared to take swift action when movement restrictions are relaxed.

Developments of National Significance

LPA's may not be able to respond to requests to submit Local Impact Reports or participate in the consideration of Developments of National Significance ("DNS") applications, generally, in a timely manner. DNS procedures enable the Welsh Ministers to extend the timescales associated with any consultation or submission requirement, and the Planning Inspectorate shall exercise those powers appropriately upon request. Where such an extension is granted and likely to take the application beyond the 36 week timescale within which the DNS application must be determined, the Welsh Ministers will suspend the 36 week determination period.

Call-in of applications for determination by the Welsh Ministers

We will endeavour to determine call-in requests as usual within the normal time period of within 21 days of receipt of the required information. In circumstances where that is not possible we will continue to use Article 18 Directions to provide additional time in which to give due consideration to requests. The use of Directions will be kept to the minimum necessary to ensure continuity of business.

National Development Framework

The next stage of the [statutory preparation process](#) is due to be a 60-day consideration of the draft NDF by the Senedd. The Senedd is prioritising its work around the current emergency and focussing on urgent matters. As a consequence the NDF for scrutiny process is likely to be delayed. We will keep stakeholders updated through our [website](#) and using the [NDF newsletter](#)

Planning Policy Wales and Technical Advice Notes

A letter was issued on Thursday 26 March detailing amendments to PPW in respect of monitoring housing supply and confirming the revocation of TAN 1. The revocation of TAN1 means that any JHLAS meeting planning are no longer necessary.

The following Technical Advice Notes are under review:

- TAN 11
- TAN 15
- Intensive Agriculture

Where new or further consultation is necessary this will now take place after the end of the current Covid-19 outbreak.

Regional Technical Statements for Aggregates (RTS 2)

Consultation has taken place on draft new technical statements and these were due to be published in April 2020 for subsequent endorsement by local planning authorities. RTS 2 represents a collaborative evidence base to support development plan preparation. Publication will be undertaken as soon as appropriate in the coming months.

Design Commission for Wales

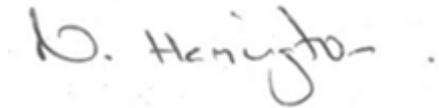
The Design Commission has made arrangements for it to continue to provide the majority of its services online. DCFW are continuing to work with local authorities, education, design and construction industries (where possible), making the best use of technology to maintain client support services. The Commission's Design Review Service is continuing online via Zoom video conferencing, as is their support for the HATCH design network. Please contact connect@dcfw.org in the first instance. Please keep an eye on their Twitter feed [@designcfw](#) and dcfw.org for updates and ways to continue to contribute to promoting the value of good design for great placemaking.

Local Development Plans

Over the last few weeks we have received a number of individual queries about how to progress LDPs at this time, in particular what do to about current and programmed public consultation and involvement events. The CPO Letter dated 18 March gives further guidance on the implications for LDPs.

Finally, my thanks to you all for keeping planning services going at this difficult time. It is vital that planning services play a full part in responding to the current health emergency and making preparations for recovery. Above all else keep well and look after your families and colleagues.

Yours faithfully,

A handwritten signature in black ink that reads "N. Hemington". The signature is written in a cursive style and is positioned above the printed name and title.

Neil Hemington
Prif Gynllunydd, Y Gyfarwyddiaeth Gynllunio
Chief Planner, Planning Directorate