WHAT IMPACTS DOES COVID-19 HAVE FOR TOWN AND COUNTRY PLANNING IN ENGLAND AND WHAT MIGHT THE LONG-TERM EFFECTS BE?

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The Coronavirus (COVID-19) pandemic has already had unprecedented effects for society. Advice from government regarding social distancing, coupled with many people now working from home has turned the normal day-to-day business of all sectors upside-down. These effects will be felt all the more acutely now that 'lockdown' measures are coming into effect.

Here, we consider some immediate issues for the planning world and then propose further discussion points looking at how some of the longer-term impacts may play out:

Immediate Issues

- Planning Committee meetings are being cancelled at Local Planning Authorities across the country for obvious and perfectly understandable reasons. The Secretary of State for Housing, Communities and Local Government, Rt Hon Robert Jenrick MP, announced a week ago that Government will consider bringing forward legislation which will allow Councils' committee meetings to be held virtually for a temporary period and we understand that legislation is now before Parliament. Whilst many authorities currently live-stream their meetings, there is still a physical meeting to satisfy legal requirements. This will almost certainly change to ensure that local administrations can continue their functions. Many authorities will no doubt also review their scheme of delegations to see whether more planning applications can be delegated to officers to determine, without the need for full
committee consideration. In the meantime there will inevitably be delays in determining applications for planning permission and developers will need to take account of that in their timetabling.

- Similarly, the Planning Inspectorate’s response to COVID-19 has been to postpone public inquiries, hearings and examinations. Planning Inspectorate (PINS) is urgently looking into the possibility of virtual public inquiries via video conferencing, following timely interventions by a number of leading planning barristers. We understand that Planning Inspectors are now no longer permitted to make site visits. Will we see site visits (for either Town and Country Planning and Infrastructure Planning applications) using drone technology so that only one person has to be on site and the Inspector/Examining Authority and other representatives can dial in remotely?

- The Courts have been quickest off the mark and hearings have already been held via video conference. Nevertheless, there will inevitably be delays in the hearing of judicial reviews. Given the restrictions, we suspect it is likely that more judicial review applications might be considered, even where they are submitted out of time. The court might have a degree of sympathy for applicants who perhaps have been ill and couldn't put their application together any earlier. It is not beyond possibility that the six week deadline for applying for judicial review will be extended temporarily back to the "promptly and in any event three months" that applies to JR case other than in the planning sphere.

- While local government officers will, we are sure, do their level best to maintain a high standard of service, inevitably delays in completing s106 agreements and issuing planning permissions can be expected. One possible way of at least allowing applicants to be getting on with discharging conditions might be to allow permissions to be issued subject to a condition requiring a Section 106 Agreement to be entered into, following the grant of planning permission but before the commencement of development - which is unlike the usual approach of the S106 Agreement preceding the grant of planning permission. Such conditions are generally contrary to long-standing Government guidance, but that same guidance does note that "in exceptional circumstances" a negatively worded condition "may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes)". We cannot think of any event that would amount to such an "exceptional circumstance" if COVID-19 does not!

- Once an applicant has been granted planning permission, getting on site to commence the development will clearly be problematic. We suspect that regulations will be introduced to extend the time in which permissions must be implemented thus keeping permissions alive beyond the end of the crisis.

- National Strategic Infrastructure Planning applications are subject to strict timescales for
examination and subsequent determination. In recent months, we have seen decisions delayed and it is quite possible that the rigid 6 month examination period for projects already in the systems will also be extended due to these exceptional circumstances. Applications which have not yet started examination may be subject to a delayed start.

In the longer term, we anticipate the following changes:

- We have already seen in recent days that the Government is prepared to introduce temporary changes of use to allow, for example bars and restaurants which have had to close, to operate as takeaways. Recent planning policy announcements have suggested increasing permitted development rights to demolish office and industrial buildings for new residential blocks - will these be rushed forward to help rebuild the economy in the Summer?
- Given that the High Street is likely to suffer this year, might we see further temporary (or perhaps permanent) changes to permitted development rights in order to enable shops or cafes to reopen as "touch down" space (see below) or to broaden the range of services on offer? Consumers were already becoming more comfortable with online shopping, a trend that will likely increase dramatically in the coming weeks and months, leading to a further reduction in demand for traditional high street retail units. That space will need to be repurposed - perhaps including leisure and experience-led uses; further online shopping collection points and other uses are likely to emerge as technology drives societal changes.
- The realisation among businesses and employees alike that most traditionally office-based jobs can be done from home will likely lead to more people working some or all of the working week from home (or indeed anywhere), which will likely have positive outcomes for air quality and the environment. As work patterns change, this could lead to a downturn in demand for traditional office space and a need to repurpose much of that space (why pay for expensive office space when much of your workforce could work from home?). Alongside the reduction in demand for traditional office space there is likely to be an increase in demand for casual "touch down" space and conference/video conference rooms, most likely in residential areas rather than city centres. Might more homeworking change how people design homes - to include studies and family workspaces? Might there also be an increase in residential extensions and curtilage buildings to be used as garden offices? We don't rule out some local planning authorities requiring ‘touch down space’ as part of the s106 package?
- People will likely get used to video conferencing, making it less likely that they will feel the need to travel long distances for meetings. Taken together, with more home working this may well lead to a significant reduction in both road and rail travel, leading in turn to reductions in
CO2 emissions etc. and a reduction in demand for additional transport infrastructure.

- Given current heavy broadband use - from students downloading lectures, office workers video-conferencing colleagues and clients, families streaming entertainment, and many of us using technology to keep in touch with friends and family "locked-down" in other parts of the country, we might see a faster rollout of the 5G network to facilitate better connectivity and home-working. Permitted development rights for masts and tech may be relaxed to enable faster and better deployment.

- It will be interesting to see how energy usage changes as a result of many more people working from home? Could pressure be brought on the government to subsidise green energy measures within the home such as the previously disbanded feed in tariffs? Might future renewable energy projects such as the Swansea Tidal Lagoon or others be reconsidered - to improve resilience? Will we see greater domestic energy storage solutions, allowing homes to take power from the grid overnight, to use during the day?

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