

Consultation Documents Update and Proposed Responses
Report by Director of Planning and Strategy

Summary:	This report informs the Committee of planning policy consultations recently received, and invites the Committee's comments and guidance on the proposed responses.
Recommendation:	That the report be noted and the nature of proposed responses be endorsed.

1 Introduction

- 1.1 Appendix 1 shows the planning policy consultation documents received by the Authority since the last Planning Committee meeting.
- 1.2 The Committee's comments or guidance is invited.

2 Financial Implications

- 2.1 There are no financial implications.

Background papers: None

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Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

APPENDIX 1

ORGANISATION:	Department for Communities and Local Government
DOCUMENT:	External Review of Government Planning Practical Guidance (following the Taylor Report)
LINK:	<p>https://www.gov.uk/government/consultations/review-of-planning-practice-guidance</p> <p>Members are asked to note the Annex Listing contained in the Taylor Report</p>
RECEIVED:	21st ⁿ December 2012
DUE DATE:	15 th February 2013
STATUS:	Newly received
PROPOSED LEVEL	Committee
PROPOSED RESPONSE:	Suggested comments below.
NOTES:	<p>There are currently two documents Members should be aware of::</p> <p>Review of Planning Practice Guidance – Consultation External Review of Government Planning Practice Guidance (Taylor Report)</p> <p>The first document sets out the parameters for the consultation and seeks views on the Report of the Review group (the Taylor Report) – the second document.</p> <p>The Review Group chaired by Lord Matthew Taylor of Goss Moor were asked to consider the existing suite of planning practice guidance and what new practice guidance may be needed to support effective implementation of the NPPF.</p> <p>The review group looked at all forms of planning guidance – PPS, Statements, CLG Chief Planner Letters, Good Practice Guides, leaflets, circulars etc. They concluded that much of it is out of date and repetitive and is conflicting and confusing for practitioners. They considered that guidance needs to be essential, add real value in terms of planning practice and covers important “how to” material. CLG should manage and update relevant guidance in the future but best practice should be managed by practitioner bodies. Live management of the set of guidance should be a core task for the Government.</p> <p>They also set out some key rules for guidance:</p> <ul style="list-style-type: none"> • Accessible free of charge • Updates provided by way of bulletins or web alerts • PINS guidance should be incorporated into a single coherent guidance resource • Other government departments producing planning guidance should be clear that it only formally constitutes Government Planning Practice Guidance once it has been admitted to the CLG website • CLG website should signpost organisations to best practice guidance

elsewhere

- By July 2013 all existing guidance should have been cancelled/ replaced with updated guidance.

The Review Group categorized all forms of existing guidance into 4 categories:

Appendix A – cancelled as soon as practicable and certainly by 28th March 2013 (anniversary of the NPPF)

Appendix B – Withdrawn, but any relevant material should be incorporated into revised guidance

Appendix C – Kept until replaced by revised guidance

Appendix D – New guidance on the following areas:

Duty to co-operate

- Viability
- Strategic Housing Market Assessments (SHMAs), Strategic Housing Land Availability Assessments (SHLAA)
- Climate Change and Renewable Energy
- Flooding
- Environmental Impact Assessment
- Sustainability Assessment
- Biodiversity
- Prematurity and Propriety

Assessment:

The opportunity to rationalize the plethora of guidance is welcomed. The intention to ensure what guidance remains is continually updated, relevant and effective is also welcomed. The concern would be where guidance that has historically been useful is cancelled and not replaced because the government considers it to be too detailed and where this may lead to a gap in certainty. Typically, where there is uncertainty this leads to refusals and appeals as the matters are “played” out through the appeal process. Whilst the increasing use of planners’ judgement in day to day matters is welcomed it may lead to less consistent appeal decisions and a general lack of certainty for both practitioners and the public.

Detailed comments on each Annex are given below:

Annex A – The Cancelled List

The following pieces of guidance are to be cancelled with no replacement. However they have proved useful in the past in assisting the determination of applications but also in developing proposals at pre-app stage and advising communities. Their loss would therefore be a concern. With some they could be taken on as practitioner guidance however what their status would be in trying to implement them would be difficult to do.

2011 – Pre-Application consultation with communities
2006 – Good Practice Guide Planning for Tourism
2006 – Best Practice Guidance on listed Building Prosecutions

Annex B – The Cancelled but salient points incorporated into other guidance list

Without knowing what CLG will consider to be the “salient points” it is difficult to make an assessment as to whether herby to helpful advice is at risk of being lost. However it would be regrettable if the following were lost in lost in their entirety:

2009 – Good practice guidance on Travel Plans
2009 Plan Making Manual – needs updating to reflect new system but an updated version would be extremely useful
2004 Community Involvement in planning – is flagged by CLG as helpful and could be incorporated into a revised Plan Making manual
Tree Preservation Orders – Good Practice – would be helpful in a streamlined form
Annex E – PPG7 – Prior Approval – flagged for new streamlined guidance
PINS note on statement of common ground – helpful if incorporated into a general good practice guidance for practitioners
PINS Notes – would be helpful to be in one user guide
PPS 25 – Floodrisk Practice Guide – vital to the Broads – flagged for merger with NPPF technical guidance on flooding
Support for the retention of the Protected Trees Guide
Renewable Energy Companion Guide

Annex C – The Kept until replaced by revised guidance List

The subject list is largely supported however until the revised guidance is published it will not be possible to ascertain whether it will provide clarity on an existing policy direction or whether new policy directions will be introduced. If the Government’s suggested timetable is adhered to then this should be completed by July 2013.

Annex D – New Guidance List

The issues identified in this list for new guidance are supported however the “devil will be in the detail” of that new guidance and therefore these will be examined as they appear.