

14<sup>th</sup> February 2013

Agenda Item: 11

## **REPORT OF GROUP MANAGER, PLANNING**

### **REPORT ON THE REVIEW OF PLANNING PRACTICE GUIDANCE**

#### **Purpose of the Report**

1. To set out the County Council's response to the consultation on the report submitted by Lord Matthew Taylor of Goss Moor to the Department of Communities and Local Government (DCLG) on the external review of Government Planning Practice Guidance.

#### **Information and Advice**

2. In October 2012 the Government announced a review of planning practice guidance led by Lord Taylor of Goss Moor, intending to streamline the existing 7,000 pages of guidance to make the planning system swifter and more accessible. It was made clear at this time that this review would not involve any changes to national policy set out in the National Planning Policy Framework (NPPF).
3. On the 21<sup>st</sup> December 2012 the Government published a short consultation on the recommendations contained within the review. The review group's report makes recommendations as to the scope and form of practice guidance that should be provided in future by Government to support effective planning; what new or updated practice guidance should be published, with clear priorities; and what guidance should be cancelled. Responses to DCLG are due by the 15<sup>th</sup> February 2013.
4. The report makes recommendations as to the scope and form of practice guidance that should be provided in future, what new or updated practice should be published and what guidance should be cancelled. The documents have been categorised into three groups:
  - Cancellation: These documents should be cancelled as soon as practical. There are 103 documents in this group including a number of letters to Chief Planning Officers and Circulars dating back to 1963;
  - Withdrawn: Documents in this group deal with important subject areas that need to be covered in future guidance but in a different form. These documents should be withdrawn but relevant material incorporated into revised guidance. There are 28 documents in this group including Urban

Design in the Planning System (2000) and Planning Obligations Practice Guidance (2008);

- Keep: Documents here include material critical to the effective working of the planning system. Whilst these are to be kept the report states that they should be reformed into a web based resource. There are 106 documents in this group and include a number of Planning Inspectorate guidance notes.

A list of the documents and the manner in which each should be dealt can be viewed using the following link:

<https://www.gov.uk/government/consultations/review-of-planning-practice-guidance>

5. The report concludes that the existing guidance should be cut down to that which is essential and clearly defined. Essential paragraphs, processes and pointers in each of the guidance notes should be identified and the guidance should be cut down to suit those elements. The report acknowledges that, whilst the guidance is essential to all involved in the planning process, there are limitations as to what the guidance can achieve; it cannot replace local judgment and the application of professional expertise.
6. Recommendations on how to ensure that new guidance is clearer and more succinct include:
  - Practice guidance should be a web based, live resource, hosted on a single site as a coherent and up to date guidance suite;
  - The web site should be centred on the National Planning Policy Framework (NPPF) and provide guidance that is not lengthy but provides essential information and processes;
  - There should be an annual review to ensure that guidance remains relevant;
  - Advice from the Planning Inspectorate should be included within a new single coherent guidance resource to ensure consistency;
  - Other Government departments may publish guidance but it should only constitute formal Government Planning Practice Guidance once it is admitted to the website;
  - There should be signposts to best practice by others but this should not endorse specific documents;
  - DCLG should consider sponsoring or encouraging an awards scheme as the best way Government can support the dissemination of up to date best practice.
7. The review also identified the need for new guidance on key topics to support the Localism Act and the National Planning Policy Framework including:
  - The duty to co-operate;
  - Local green space designation;
  - Neighbourhood planning.
8. The consultation on the review sets out a series of 9 questions to which responses are welcomed. The County Council's response is set out in Appendix A.

## **Other Options Considered**

9. As the consultation requires representations to be made on the review of planning practice guidance the only other option was not to make representations however, the Committee can consider whether any amendments to the response as set out in the appendix are necessary.

### **Reason for Recommendation**

10. To provide a considered response to DCLG.

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

12. There are no direct financial implications arising from this report.

### **Implications for Sustainability and the Environment**

13. The failure to consider the representations of the County Council on strategic planning and highways matters could lead to unsustainable development taking place. The minerals and waste planning interests of the County Council could also be compromised by the lack of a suitable guidance.

## **RECOMMENDATION**

- 1) That Committee approve the above response to DCLG's questions on the Government's review of planning practice guidance.

**Sally Gill**  
**Planning Group Manager**

**For any enquiries about this report please contact: Lisa Bell, Team Leader – Planning Policy, ext 74547**

### **Constitutional Comments (SLB 04/02/2013)**

14. Environment and Sustainability Committee is the appropriate body to consider the content of this report. It is responsible for approving consultation responses in relation to environment and sustainability including minerals and waste planning.

### **Financial Comments (DJK 04.02.2013)**

15. The contents of this report are duly noted; there are no financial implications.

### **Background Papers**

<https://www.gov.uk/government/consultations/review-of-planning-practice-guidance>

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

### **Electoral Division(s) and Member(s) Affected**

All.

## APPENDIX A

### Questions and Responses to the Review of Planning Practice Guidance Consultation

- Q1) Do you agree with the recommendation of the Review Group Overall?  
Proposed Response: *Nottinghamshire County Council supports the recommendation by the review group to DCLG which will ensure that all planning guidance is clear, coherent, up-to-date and easily accessible in future. It will be important that a full consultation is undertaken when any new replacement guidance documents are issued.*
- Q2) Do you agree with the proposed recommendations for a much reduced set of essential practice guidance in the format recommended? (Recommendations 1, 2, 3, 5, 6)  
Proposed Response: *Nottinghamshire County Council agrees with the group's recommendation for a reduced set of essential practice guidance. The Council feels that this will provide a clear, open and transparent system for all users. A web based, live resource for the guidance is particularly welcomed as long as it is kept under annual monitoring and review.*
- Q3) Do you agree that the standards for future Government Planning Practice Guidance should be implemented by the Chief Planner in DCLG, but with decisions on what to include within guidance still taken by Ministers? (Recommendation 4)  
Proposed Response: *The Council believes that this recommendation will assist in shortening the length of time it takes for new/updated guidance to be released.*
- Q4) While access to all planning guidance online will be free of charge, do you think it would be appropriate to offer planning professionals an additional service involving immediate notification of every revision to the guidance, and to make a small charge for this service? (Recommendation 6)  
Proposed Response: *Nottinghamshire County Council welcomes the recommendation to access the on-line guidance free of charge, however the Council do not believe that charging for notifications of updates to the guidance is appropriate and would be inappropriate to use Council's budgets for information which is required to deliver the planning service. The Council also feel that without the notifications, out-of-date guidance and information could be used when producing local plans and making decisions on future developments.*
- Q5) Do you agree that the new web based resource should be clearly identified as the unique source of Government Planning Practice Guidance? (Recommendations 7-9)

Proposed Response: *The Council agrees that the Planning Inspectorate guidance should be incorporated into the new web based resource to allow for a single point of access. By 'signposting' good practice the Government is providing endorsement of certain items, this could result in resources being diverted to maintaining signposting and also who will set the standards for such signposting? This could potentially divert resources away from updating guidance in the first place, which is the whole point of this exercise.*

- Q6) Do you agree with the recommended timescales for cancellation of guidance and new/revised guidance being put in place? (Recommendations 10-13)

Proposed Response: *Nottinghamshire County Council feels that the new guidance website should be implemented as soon as practicably possible (allowing for appropriate consultation exercises where necessary). The urgency to complete this process is welcomed. The recommendation allowing users of the new resource to provide comments on its weaknesses and suggest improvements is particularly welcomed.*

- Q7) Do you agree with the recommended priority list for new/revised guidance? (Recommendations 14-16)

Proposed Response: *Nottinghamshire County Council believe that the proposed retained companion guide to PPS10 (and the proposed new National Waste Management Plan) should be included as a high priority to ensure consistency throughout the planning process.*

- Q8) Do you agree with the recommended priority list for new/revised guidance? (Recommendations 17-18)

Proposed Response: *Nottinghamshire County Council agree with the recommended priority list for new/revised guidance.*

- Q9) Are there any further points you would like to make in response to the Review Group's Report? Do you have additional ideas to improve and/or streamline planning practice guidance?

Proposed Response: *Nottinghamshire County Council support the majority of the recommendations in the review and welcome the streamlined approach to future planning guidance.*