



Department for
Communities and
Local Government

Government response to the external review of government planning practice guidance consultation and report

May 2013
Department for Communities and Local Government

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Introduction

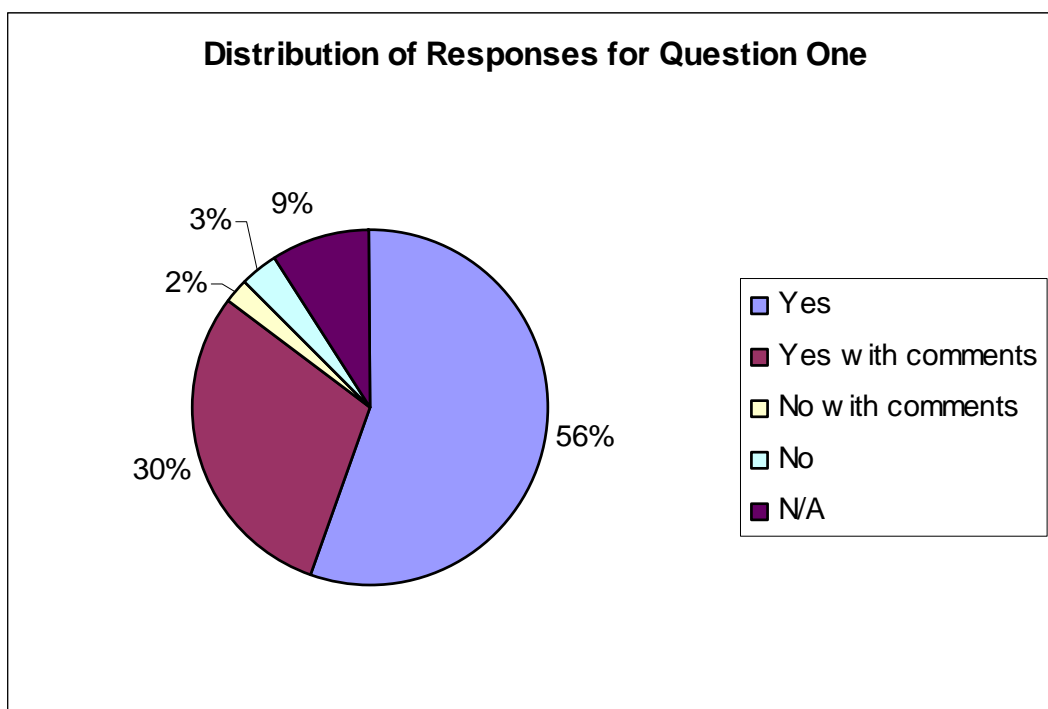
1. On 21 December 2012 the Government welcomed the report of the External Review of Government Planning Practice Guidance led by Lord Taylor of Goss Moor, and announced a short consultation on the Review Group's recommendations.
2. The Review Group's report made recommendations as to the scope and form 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 practice guidance should be cancelled.
3. Through the consultation process, we sought views on:
 - The overall recommendations of the Review Group
 - A much reduced set of essential practice guidance in the format recommended
 - The role and responsibilities of ministers and the Chief Planner in deciding what to include within practice guidance and its implementation
 - Charging planning professionals for an additional service involving immediate notification of every revision to the practice guidance
 - Whether the new web-based resource should be clearly identified as the unique source of Government Planning Practice Guidance
 - The recommended timescales for cancellation of practice guidance and new/revised practice guidance being put in place
 - The recommendations for cancellation of existing practice guidance documents
 - The recommended priority list for new/revised practice guidance
 - Additional ideas to improve and/or streamline planning practice guidance
4. The consultation was aimed at a range of groups including planning bodies, local planning authorities, developers, businesses, environmental and community groups.
5. The consultation closed on 15 February 2013. We are grateful to the organisations and individuals who took time to respond, and have now considered all the received responses. This document sets out the Government's response and next steps towards implementation.

Summary of Responses and Government Response

OVERVIEW OF METHOD AND MAIN FINDINGS

6. There were 348 consultation responses in total. 97 of these were Local Authorities, Local Authority Representative Groups or National Park Authorities.
7. 252 responses directly answered the questions posed, whilst 96 focused on a particular subject of interest or more generally on the process of the review. These were categorised during analysis respectively as either 'regular' or 'specific' responses, each requiring a different approach to analysis. Answers in 'regular' responses were more easily quantifiable on a question-by-question basis and coded as 'agree', 'agree with comments', 'disagree', 'disagree with comments', or 'no answer' for each.
8. Across all of the eight quantifiable questions (see below), bar number four, there was widespread and consistent support for the aims of the Review Group's recommendations.
9. For five of these questions the number of respondents who either 'agreed' or 'agreed with comments' was 80 percent or higher, including Question One, which asked '*Do you agree with the recommendations of the Review Group overall?*' (Figure A, below).

Figure A: Distribution of Responses to Question One: "Do you agree with the recommendations of the Review Group overall?"



10. Of the 96 'specific' responses, 56 percent of respondents agreed or agreed with comments with the general approach recommended by the Review Group. Whilst this figure would appear to be low, it must be kept in mind that only six percent disagreed or disagreed with comments.
11. A number of respondents offered very helpful and detailed comments to refine the Review Group's recommendations. Five main points arising are highlighted below:
 - The proposal to charge for an instant notification service. This accounted for the negative response to Question Four. This was not one of the recommendations from the Review Group although it was discussed during the review.
 - Concerns over the level of consultation on the content of new or revised practice guidance in the future
 - Questions about the relative weight or status given to practice guidance produced outside of DCLG and its subsequent signposting
 - Whether the cancellation process would leave a 'practice guidance vacuum'
 - Concerns about a timetable which was felt to be over-ambitious

GOVERNMENT RESPONSE

12. We accept that the existing guidance suite needs reform and consolidation. In light of the positive response to this consultation, we are carefully considering the implementation of the Review Group's recommendations. As set out in the Budget, we will publish significantly reduced planning guidance, providing much needed simplicity and clarity in line with Lord Taylor's recommendations. We accept the majority of the report's recommendations, with the exception of those on signposting best practice material produced by the sector and the immediate cancellation of out-of-date guidance.
13. We will only signpost - and therefore link to - other Government departments, statutory consultees, and other Government bodies, and will not endorse specific documents. We believe that the current guidance should remain in place until the new guidance suite is ready. We consider this important to ensure that there is no gap or perceived gap in the provision of guidance, and so will not be accepting the recommendation to cancel any material ahead of the new guidance being available.
14. Though not a recommendation of the Review Group, we have no current plans to promote the introduction of a charge for: access, notifications, or any additional service related to the proposed web-based resource.

Questions & Key Findings

QUESTION ONE - Do you agree with the recommendations of the Review Group overall?

15. Some 86 percent of respondents agreed with the recommendations of the Review Group overall. There was clear support for a consolidated, up-to-date, coherent and easily accessible set of practice guidance as proposed by the Review Group.
 - Almost all respondents felt that the Government should make the best and most effective use of technology as a tool to host and communicate practice guidance.
 - A similar number of respondents thought that a much reduced practice guidance suite would improve its usability, accessibility and lead to a more effective and fair decision making process.
 - The Review Group's belief that practice guidance should support effective delivery of plan making and locally appropriate decision making, rather than automate it, was generally supported.
16. Only a very small number (two percent) of respondents disagreed outright with the Review Group's overall recommendations. The majority of this group were concerned about the cancellation of practice guidance, or lack of proposed new practice guidance, on specific areas and themes in which they had a specialist interest.
17. A similarly small number also felt that the review process was overly reductive and, being too concerned with reduction, may 'dilute' quality.

QUESTION TWO - 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)

18. Respondents were strongly supportive of proposals for a reduced suite of practice guidance in a live, online and non-prescriptive format, with 88 percent agreeing or agreeing with comments.
19. The four percent of respondents who disagreed or disagreed with comments were largely concerned with specific areas or themes of existing practice guidance, or the production of new practice guidance of special interest.
20. The most commonly expressed concern was that, should the web resource be entirely 'live' in its management and amendment, there may be a lack of certainty as to its actual content at any one point in time. It was suggested that a more effective arrangement may be for the review and updating of practice guidance to take place on a regular basis, at pre-set dates.

21. Reservations were also expressed as to whether a web-based system would disadvantage those without internet access or a less developed knowledge of ICT.

QUESTION THREE - Do you agree that standards for future Government Planning Practice guidance should be implemented by the Chief Planner in DCLG, but with decisions on what to include within practice guidance still taken by ministers? (Recommendation 4)

22. This recommendation was strongly supported by respondents. 80 percent either agreed or agreed with some comments, declaring it would ensure accountability within DCLG (whilst ensuring professional input at a high level), and that it is right for practice guidance to be steered at a higher level by individuals with a democratic mandate.
23. Only five percent of respondents disagreed or disagreed with comments with this recommendation. These respondents were chiefly concerned about the role of the wider planning sector within the process.
- Around half of this number felt that it is important for ministers to be ultimately accountable for the content of practice guidance, and therefore be included throughout the process. This is how the system currently stands.
 - The remainder felt that a greater emphasis should be placed on the remit of organisations within, or involved with, the planning sector, alongside Government specialists, to steer the content of practice guidance.

QUESTION FOUR - While access to all planning practice 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 practice guidance, and to make a small charge for this service? (Recommendation 6)

24. A total of 65 percent of respondents disagreed with the proposals put forward, in addition to the four percent who disagreed with comments. This negative response was driven specifically by the idea of charging some users for an instant notification system.
25. It was generally felt that the inclusion of fees would lead to a more opaque and unfair system, disadvantaging those practitioners who may not have the means to pay, such as those working free of charge, or those with small budgets, and would not make sense as a business model when it is possible to set up one's own notification service for free.

QUESTION FIVE - 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)

26. Overall levels of support were very high for this question - some 89 percent of respondents either agreeing or agreeing with comments.
27. The small number of respondents who had comments were generally concerned about the relative weight applied by decision-makers to practice guidance produced outside of the Government, compared to that produced by central Government.

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

28. The majority of respondents (62 percent) agreed or agreed with some comments to the recommended timetables. Many, whilst welcoming the ambitious time scale for putting in place a new and revised suite of practice guidance, considered that it was overly ambitious given current resource constraints.
29. Many of these respondents also commented that the quality of practice guidance and any consultation undertaken should not be sacrificed for the sake of swiftness or political expediency.
30. Respondents questioned the recommendation to cancel certain practice guidance before necessary replacement materials had been produced. This concern is covered in more depth as part of the Government response to Question Seven.

QUESTION SEVEN - Do you agree with the recommendations for cancellation of existing practice guidance documents? Are there specific, essential elements of current practice guidance material that should in your view be retained and considered for inclusion in the revised practice guidance set? (Recommendations 14 - 16)

31. The response to Question Seven was broadly positive, as 56 percent of respondents agreed or agreed with comments, and 30 percent disagreed or disagreed with comments. Four key findings emerged.
 - In general respondents endorsed the drive to cancel redundant, out-of-date or irrelevant practice guidance as soon as possible.

- Whilst the majority of respondents' overall responses were influenced by specialist interests in practice guidance, the general consensus was that practice guidance in Annex B¹ should not be cancelled before updated or revised practice guidance is put in place. It was felt that Annex B was redundant, and that practice guidance should either fall into Annexes A² or C³, as set out in the report.
 - This was because respondents felt that practice guidance is either redundant because it is unused, or used and therefore contains some value and so should be retained until a replacement exists.
 - The argument that practice guidance which has been 'mainstreamed' or is well understood should be cancelled was challenged. Respondents felt that if practice guidance had become 'mainstreamed' it was a sign of well-written and helpful practice guidance working. Respondents felt that if such practice guidance was cancelled, the principles contained within would be quickly forgotten (several examples of where this has occurred in the past were cited).
 - As a result of these points, concerns over the existence of a 'practice guidance vacuum' were widespread.
32. Respondents also felt that practice guidance in many areas is not as well understood as the Review Group noted – especially with regards to the issues of tourism and good design. A couple of respondents cited research in support of this viewpoint.
33. The public archiving of old practice guidance, whether on The Planning Portal or the gov.uk website, was also recommended and enthusiastically welcomed by many parties.

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

34. The general response to Question Eight was positive. 76 percent of respondents either agreed or agreed with comments to the proposals put forward, compared to only 12 percent who disagreed or disagreed with comments (only four percent of whom entirely disagreed).
35. The priority list put forward was welcomed by the vast majority of respondents. Comments tended to be orientated around a desire to see more subject areas and topics included in the list, some of which were requested by more than three or four respondents (Figure B, below).

¹ "Recommended for [immediate] cancellation, but any relevant material should be incorporated into revised guidance."

² "Recommended for [immediate] cancellation."

³ "Recommended for retention until replaced by revised guidance."

Figure B - General Subject Areas Most Commonly Highlighted as Requiring More, or Renewed, Guidance.

1	Heritage and listed buildings
2	The Duty to Cooperate
3	Strategic Environmental Assessment, Sustainability Appraisals and Environmental Impact Assessments
4	Best practice with regards to contaminated or polluted land and redevelopment.
5	Viability tests
6	Air quality
7	Green infrastructure delivery
8	Housing assessments
9	Place shaping and design
10	Health, wellbeing and sheltered housing
11	Growth and sustainability
12	Sustainable transport
13	Matters re compliance with EU directives (especially environmental quality)
14	Landscape protection
15	Assessing housing requirements
16	Providing support for, and ensuring the involvement of, neighbourhood forums, representatives and bodies
17	Noise

QUESTION NINE - 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?

36. In response to Question Nine, respondents raised many salient points which did not appear elsewhere in the consultation. These could be broadly divided into the two themes below.
37. *The scope of the review* - most respondents welcomed the aims of the guidance review and requested that a similar approach be rolled out for guidance within other Government departments, for local Government and other important document suites within the planning system.
38. *The usability, content and functionality of the web-based resource* – the most common request from respondents was that the web resource be a user-friendly resource. Respondents also recommended that the new practice guidance documents link to, or directly reference, relevant sections of the National Planning Policy Framework, the Localism Act and relevant appeal decisions. Additionally, there were recommendations that the web-based resource should, in the future, hold information about planning case-law and act as a repository for the sharing of best practice between users.

Conclusion

39. Whilst there were some reservations about delivery and procedural matters – as discussed above – the headline finding of the consultation was that respondents support the Review Group’s belief that the existing guidance suite needs reform and consolidation.
40. We accept that the existing guidance suite needs reform and consolidation. In light of the positive response to this consultation, we are carefully considering the implementation of the Review Group’s recommendations. As set out in the Budget, we will publish significantly reduced planning guidance, providing much needed simplicity and clarity in line with Lord Taylor’s recommendations. We accept the majority of the report’s recommendations, with the exception of those on signposting best practice material produced by the sector and the immediate cancellation of out-of-date guidance.
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