

Wildlife and Countryside Link response to the consultation on the Review of Planning Practice Guidance

Wildlife and Countryside Link (Link) brings together 40 voluntary organisations concerned with the conservation and protection of wildlife, countryside and the marine environment. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over eight million people in the UK and manage over 690,000 hectares of land.¹

Link welcomes the opportunity to respond to this consultation. We participated in the workshop organised by the Review at the Town & Country Planning Association in October 2012 and subsequently wrote to Lord Taylor.

1. Do you agree with the recommendations of the Review Group overall?

Link is able to agree with a number of the recommendations, but not all. We welcome the emphasis on the production of a single, user friendly guidance portal. However, we have concerns about the review's focus on reducing the overall amount of guidance without providing sufficient time to get essential new guidance – that has been subject to expert engagement and consultation – in place. We welcome most of the priorities for new guidance.

2. 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)

Link welcomes the emphasis on producing essential guidance, and in a consistent format. But there is, in Link's view, an over-emphasis on reduction. A significant number of areas of existing planning law (for example the *Town & Country Planning [General Permitted Development] Order 1995*) currently lack any form of user-friendly guidance, an omission which should be rectified through this review.

In relation to recommendation 2, some groups may be disadvantaged and/ or excluded from engaging in planning if they are not able to access a web-based resource, for example due to visual impairment. An alternative method of engagement must be made available for such groups.

3. 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 guidance still taken by Ministers? (Recommendation 4)

Link partially agrees with this recommendation. We believe that the Chief Planner could play a valuable role in evaluating future guidance, and we would of course expect Ministers to continue to approve final documents.

Link welcomes the idea of an annual review. We have some concerns about the practicality of using open source methods. If this approach is taken forward it should be through a mediated discussion forum, with interested parties being able to register with the website and thence given fair notice of any discussion and scope to contribute to it.

¹ Wildlife and Countryside Link is a registered charity (No. 1107460) and a company limited by guarantee in England and Wales (No.3889519).

A number of other Government departments and agencies have a significant interest in the detailed application of policy and regulations, and they should be encouraged to produce concise and accessible guidance in the style recommended by the Review. DCLG should publish, in its summary of responses to the consultation, requests that have been received by other Government departments and agencies to publish new or updated guidance; and then identify appropriate guidance within the broader timetable for producing new guidance, or explain why any proposals were deemed inappropriate.

4. 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)

Link supports making access to all guidance free of charge, but disagrees with the part of the recommendation relating to an additional chargeable service for professionals. Updates to Government planning policies can currently be found on the website www.info4local.gov.uk and its associated email bulletins, which are aimed at local government professionals, but which are also made readily and freely available. Link recommends that updates to any new guidance website are made publicly available in a similar fashion.

5. 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)

Link agrees with these recommendations, subject to our response to question 3 above about the role of other government departments. Any such resource should seek to make clear links between the websites of and guidance published by different government departments and agencies. In relation to recommendation 9, a number of Link members have produced well-established specific planning guidance of their own. We believe that, contrary to the Review's recommendations, many of these documents should be usefully signposted from any new government guidance document. But at the very least we would urge the Government to provide signposts to organisations that are able to provide further relevant information, such as Government agencies and non-governmental organisations including charities and professional bodies.

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

Link disagrees with this recommendation. We do not believe that the recommended timetable for the production of new guidance and cancellation of existing guidance, by July 2013, is realistic. This is especially the case as there had been no public consultation prior to this recommendation being made. We would recommend instead that new guidance is developed through engagement with experts and practitioners, consulted on and introduced gradually, and by broad topic area, over a period of six months from July 2013, with the existing guidance to be cancelled (unless the overarching response to the consultations identifies a need for it) no earlier than the end of 2013. Existing guidance may in many cases need to be archived following its cancellation.

Link members would be keen to engage with the development of new guidance.

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

Link recognises that there are a number of existing guidance documents which may well now be largely superseded, particularly those that were published before the Planning & Compensation Act 1991 instituted a system of development management led by statutory local plans. We believe, however, that the review goes too far in its focus on reducing and cancelling guidance. The review's

suggestion that guidance can be cancelled on the basis that ‘issues are well-established’ ignores the fact that such ‘general’ knowledge can easily be lost, especially if it is not captured, archived and maintained in a publicly accessible location. There are a number of examples of current guidance material that needs retaining (see Annex 1).

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

Link agrees with many of the key priorities identified, in particular that priority should be given to dealing with:

- Viability of development;
- Housing market and land availability studies;
- The duty for local authorities to co-operate on strategic planning;
- Biodiversity protection, which should be updated in line with the National Planning Policy Framework, including for example ecological networks and green infrastructure, landscape scale conservation, restoration and creation, ecosystem services and protected sites, key aspects of guidance proposed for cancellation, and the Conservation of Habitats and Species regulations 2010 and the subsequent amendments. It should also integrate terrestrial with coastal and marine planning where relevant and cross reference Defra, Natural England and sector-led guidance such as *Planning for a Healthy Environment – good practice guidance for Green Infrastructure and biodiversity*
- Local Nature Partnerships, their relationship to planning and the role of Nature Improvement Areas
- Landscape planning
- Protected landscapes.

This response is supported by the following six organisations:

- Buglife – The Invertebrate Conservation Trust
- Campaign for National Parks
- Campaign to Protect Rural England
- The Wildlife Trusts
- Wildfowl and Wetlands Trust
- Woodland Trust

**Wildlife and Countryside Link
February 2013**



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Annex 1: Planning practice guidance that should be retained

Title	Year	Key pages/ paragraphs
Tree Preservation Orders: A Guide to the Law and Good Practice – Addendum 2009	2009	Tree Preservation Orders
Protected Trees: A Guide to Tree Preservation Procedures	2008	Tree preservation procedures
Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007	Mar 2007	This Circular gives an outline of the revised system of advertisement control and includes relevant advice about advertisement applications to local planning authorities.
Circular 06/2005 Biodiversity and Geological Conservation	2005	<ul style="list-style-type: none"> • Section E, Paragraph 91 • Need for an evidence base and key elements, pp.3-4 • Checklist of components, p.4 • Local Record Centres, p.19 • Local Authority Ecologists and Role of in-house ecologists, pp.20-21 • The section on validation checklists, p.46 • Ecological Surveys, p.47
Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System	2005	<p>All sections should be retained and updated as per the current content:</p> <ul style="list-style-type: none"> • International Sites • National Sites • Habitats & Species outside designated sites (particular reference to Section E para. 91) • Protected Species • Other duties
PPS9 Planning for Biodiversity and Geological Conservation	2005	Paragraph 1.3, which suggests ways in which the principles that require that planning policies and decisions not only avoid, mitigate or compensate for harm but seek ways to enhance and restore biodiversity and geology can be achieved.
PPS9 Planning for Biodiversity and Geological Conservation – A Guide to Good Practice	2005	<ul style="list-style-type: none"> • Need for an evidence base and key elements, pp.3-4 (paras 2.2 and 2.3) • Checklist of components, p.4 • Local Record Centres, p.19 • Local Authority Ecologists and Role of in-house ecologists, pp.20-21 • The section on validation checklists, p.46 • Ecological Surveys, p.47
Town and Country Planning Act 1990 Section 215: Best Practice Guidance	Jan 2005	Advice for local planning authorities on how to make the best use of their powers to take steps requiring land to be cleaned up when its condition harmfully affects the amenity of the area.
PPS7 Annex A	2004	Guidance on consideration of new dwellings for agricultural workers
Making the Planning System accessible to everyone: Good-practice	Sep 2004	A guide intended to help and encourage local planning authorities to go beyond the minimum requirements for access to planning information.

guidance on access to and charging for planning information		
Tree Preservation Orders: A Guide to the Law and Good Practice	2000	Tree Preservation Orders
1999 Circular 02/99 - Environmental Impact Assessment	1999	
Environmental Impact Assessment (76)		May have aspects relevant for documents referred to in Annex C of Lord Taylor's report – doc 89 Circular 2/99
Preparation of Environmental Statements (88)		
Evaluation of Environmental Information (89)		May have aspects relevant for documents referred to in Annex C of Lord Taylor's report – doc (53) on tree protection.
Trees and Forestry (98)		May have aspects relevant for documents referred to in Annex C of Lord Taylor's report - doc (53) on tree protection.
Permeable surfaces (48)		Could usefully be covered in the update on flooding (documents referred to on p.12 and in Annex C of Lord Taylor's report - docs 2 and 39)