

Review of Planning Practice Guidance

Consultation response of the Landscape Institute, 15 February 2013

The Landscape Institute

The Landscape Institute is the Royal Chartered body for landscape architects. As a professional organisation and educational charity, we work to protect, conserve and enhance the natural and built environment for the public benefit. We accredit university courses and promote professional development to ensure that landscape architects deliver the highest standards of practice. We work with government to improve the planning, design and management of urban and rural landscape. Through our advocacy programmes and support to our members we champion landscape, and the landscape profession, in order to inspire great places where people want to live, work and visit. The Landscape Institute's membership currently stands at approximately 6000 landscape planners, designers, managers and scientists.

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

For professionals and for the general public, the tendency of ministers to re-interpret planning guidance has been confusing and frustrating. We hope that the proposed approach will make the planning system more accessible to everyone and enable greater certainty in terms of both input requirements and likely outcomes. In balancing the proposals of applicant and views of objectors against the wider public interest of promoting sustainable development, we would welcome greater reliance being placed upon recognised technical and professional expertise.

Recommendation 1 of the report suggests that best practice, exemplar type information is better provided by professional/practitioner bodies. We are with recommendation 9 that this would require signposting by the proposed web-based resource and would note here that the Landscape Institute already operates a well-regarded awards scheme on an annual basis. We would suggest that any third party guidance should be peer-reviewed as 'fit for purpose' by an expert and representative review group, which could be addressed through an expansion of the Review Group. We consider that the Landscape Institute and its members embrace a body of specialised technical expertise and experience that is critical to many aspects of planning and achieving the objectives established in the National Planning Policy Framework. We would therefore wish to participate actively and constructively on this.

The Group was asked to consider the scope to encourage the planning sector to produce appropriate guidance, in place of government departments. In principle we strongly support this, though this should not be restricted only to the planning sector. The Landscape Institute already plays a key role within the planning sector, and regularly produces guidance, both as an individual organisation (for example, "Green Infrastructure: An integrated approach to land use (2013)" and with other organisations and professional bodies. The Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (produced in conjunction with IEMA) is widely used as an authoritative reference in planning decision-making and appeals. The Landscape Institute has also produced, jointly with the RIBA, RTPI and Design Council CABE, "Design Review: Principles and Practice (2013)" to help support the delivery of well-designed places, an objective of the National Planning Policy Framework.

Our only reservations about this relates to the legal weight that will be given to good practice guidance produced by non-statutory bodies. There needs to be a clear mechanism to identify the most significant sector-led guidance and ensure that it is accorded due status to avoid unnecessary arguments over its relevance in any particular case. Landscape Institute members are accustomed to using technical guidance and policy documents produced by government agencies such as Natural England, English Heritage and the Environment Agency, and these are accepted as authoritative by the Planning Inspectorate.

If guidance is now to be produced by others, and sign-posted on the proposed website, then it is important for DCLG to introduce some mechanism to identify what will, and will not, qualify as good/best practice. Mechanisms will also need to be introduced for the government and/or statutory bodies to identify and adopt those that are considered essential material for implementing NPPF policy objectives. The Planning Inspectorate should also be involved, so that they can determine the weight to be accorded to each piece of planning guidance.

2. Do you agree with the proposed recommendations for a much reduced set of essential practice guidance in the format recommended?

The LI supports the intentions of the Group to reduce the vast amount material that has counted as 'guidance' in the past. The majority of landscape and planning practitioners work online and use web-based search engines. Therefore we welcome the suggestions that Planning Practice Guidance should be a web-based, live resource, hosted on a single site as a coherent suite of guidance documents, actively management to maintain it as a relevant resource. However, we strongly believe that any web-based resource must be easy to search, accessible and free of charge to all users, including community groups and members of the public.

It seems sensible to make it possible for users to post their comments and to suggest amendments to the web-based resource. This will allow a 'crowd-sourced' check to keep the resource current. We are however mindful that such an approach will require monitoring and response for it to remain relevant and authoritative and that this has resource implications for DCLG.

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?

We strongly agree with the proposal to make the Chief Planner at DCLG the single person responsible for ensuring that in future guidance is kept easily accessible, explicable and in a coherent form when updated. However, this role must be adequately resourced and supported by well qualified and experienced professionals with an ability to communicate in language that is clear and accessible.

We believe, as implied in Recommendation 4 and reinforced by Recommendation 8, that the Chief Planning Officer should be given authority to decide on management standards that include content, rather than merely the implementation of style and presentation. We also believe that the Chief

Planning Officer should be assisted and advised on this significant task by an expert review group, as set out in our response to question 1. Clearly the context within which decisions would be made would be established through prevailing government policy as set by Ministers.

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?

We do not see any justification for making a charge to professional users for an update notification service. There are many existing examples of effective update services that are freely available and semi-automatic in operation, such as the info4local.gov.uk service operated by the government. This should not be a resource intensive or expensive operation and free on-line access for all to the latest information is the essence of proposals.

5. Do you agree that the new web-based resource should be clearly identified as the unique source of Government Planning Practice Guidance?

We agree that the new web-based resource should be clearly identified as the unique source of Government Planning Practice Guidance, subject to its inclusion of references to authoritative third party sources of additional guidance.

We agree that if statutes, regulations and Statutory Instruments (SIs) were clearer, the wording would not need to be pieced together or clarified in voluminous guidance. In our view, all planning policy guidance must be clearly identified, referenced, dated and accessible in one place and the currency of this should be rigorously maintained. Clarity and transparency are vitally important to encourage local people to become involved in the planning process.

We strongly agree that the new guidance website should signpost organisations providing best practice guidance and other advice in relevant areas, and the Landscape Institute will continue to publish such guidance for the benefit of the general public and professional users. However, this guidance is advisory and does not currently carry much weight in planning policy decisions and appeals.

6. Do you agree with the recommended timescales for cancellation of guidance and new/revised guidance being put in place?

The proposed timescale for cancellation of existing guidance should depend upon the establishment of a robust replacement system that does not leave gaps that result in unintended consequences, confusion or delay.

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 set of guidance?)

The aim of the Taylor Review is said to be “...to enable the production of an accessible and more effective set of practice guidance.” However, the urgent actions that are proposed will inevitably mean that important subject areas will be left without adequate guidance until new documents can be prepared and adopted. For example, the withdrawal of Annex B documents will mean that relevant material, important for the proper implementation of the National Planning Policy Framework, cannot be given any weight in decision-making until it has been incorporated into revised guidance. Even where existing guidance is out of date, its cancellation or removal may create a vacuum in key policy areas which could lead to unnecessary and protracted arguments at public inquiries and delays as advice is sought from overstretched statutory bodies.

We are very concerned at the proposed cancellation of the Companion Guide to PPG17. The methodologies and guidance within this are used to inform open space and green infrastructure strategies and studies which are very pertinent to current government planning policy within the NPPF. This should be retained until replaced by approved technical guidance from sector.

We understand that part of the content of Annex B documents may be out of date and that government does not have the resources to update or revise and we acknowledge that these topics can sometime be more appropriately addressed by relevant sectoral expertise. However many of these documents contain a wealth of valuable expertise and information that has been contributed by representatives of sectoral interests to provide for a national source of relevant information and good practice standards.

Until or unless alternative and authoritative sources of guidance emerge, are published and are available, there seems to be little benefit and potentially significant adverse effect in cancelling freely available and widely used good practice on many topics that remain relevant within the planning system and to the achievement of wider policy objectives.

The default approach should be to retain until replaced, perhaps within the National Archive system if the DCLG website is unsuited to the purpose, rather than to cancel and hope that the market will fill the gap. We would therefore suggest that all existing guidance, including parts of the documents listed in Annex B, that is necessary and relevant to the effective working of the planning system should be retained, until important subject areas have been covered by revised or replacement guidance documents available via the proposed web-based resource. This may mean that some relevant parts of existing documents are published as interim guidance, prior to being updated, so that they can be given due weight by decision-makers.

For example, a number of important design-related documents are included in Annex B such as “By Design: Urban Design in the Planning System (2000)”, “Better Places to Live by Design (2001)” and “Safer Places: The Planning Systems and Crime Prevention (2004)”. The Landscape Institute does not share the confidence of the Review Group that the principles of these documents have become understood and mainstreamed in planning work to such an extent that it would be safe to cancel them in advance of issuing newer and more succinct guidance. There is a real risk that if these and other design-related guidance documents are cancelled prematurely, then the objective (contained within the National Planning Policy Framework) of promoting design quality in the built environment may not be fulfilled.

Other examples of documents in Annex B that would be premature to cancel include “Tree Preservation Orders: A Guide to the Law and Good Practice – Addendum (2009) which remains useful to practitioners even though most references are out of date. It too should be retained in some form until new guidance has been prepared. In our view, it is not an adequate response to comment, as in the case of Annex E to PPG7 on Agricultural Permitted Development (1997) – “some guidance need on the process for local authorities, but not in this form – cancel now but re-draft something in future”, without advising who, when or how.

8. Do you agree with the recommended priority list for new/revised guidance?

We agree that new guidance covering these important policy areas is necessary, as suggested in Annex D. As Landscape Institute members work in every region of the country it is important for us to understand the national ‘standard’ policy approach in order for our members to properly advise clients and the public. The Landscape Institute would also welcome the opportunity to participate in the development of guidance for all eight topics included in Annex D. Our members are involved in all these aspects of planning, to a greater or lesser extent, and we would welcome the opportunity to contribute our experience, expertise and landscape perspective on these matters.

We welcome the fact that statutory bodies such as English Heritage are developing guidance to support the National Planning Policy Framework and would wish to encourage all the statutory bodies to do the same. We would strongly support the recommendations that existing guidance should only be withdrawn once replacement guidance has been adopted and consider this should apply to all relevant planning advice. It may not be possible to carry forward the Taylor Review ‘priorities for review’ into the work programmes of statutory organisations that are at present under pressure to reduce their budgets or, as is the case with Natural England and the Environment Agency, currently undergoing a Triennial Review.

With regards Annex C, Item 98 – Circular 11/95 is of particular interest and relevance to the work of the Landscape Institute and its members and to the public interest in tree and landscape issues.

Amongst other matters, it sets out model conditions that are used to secure high quality landscape treatment and provision for trees when granting planning permission. The Circular also explains why and how landscape design, implementation and delivery is a special case within the planning system, requiring special consideration. This is due to the issue of dealing with live, organic material which, if handled inappropriately at any stage, is likely to fail. The planning system incorporates both the responsibility and the authority to ensure a successful outcome in terms of landscape and tree objectives, where the market may often be inadequate in assuring quality of outcome. The Landscape Institute would therefore wish to be closely involved in advising on any proposed revisions to this Circular.

9. 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?

We would strongly recommend the establishment of a representative sector-based steering/advisory group (perhaps based on the National Planning Forum?) which could provide support and advice to the Government's Chief Planning Officer and channel communications to a wider network of interested parties. The Landscape Institute would wish to be represented on such a group.