

Review of Government Planning Practice Guidance – ALERC’s consultation response, 14th February 2013.

Please note that this document was used to compile the response. The response itself was submitted via an online form.

- Q1. Do you agree with the recommendations of the Review Group overall?
 - ALERC agrees with the general sentiment provided by the review group. We agree that planning guidance should be clear, up-to-date, coherent and easily accessible. However, this should not be seen as a mandate for the removal of some very important pieces of guidance. We believe that the timing of guidance removal and the details of how it should be replaced should be looked at very carefully.
- 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)
 - Yes, ALERC would agree with this. We would emphasise the need for guidance to be freely available to the public and to interested bodies. We would strongly advise that the site that holds the information is well presented and searchable so that those accessing it are able to reach the information they are interested in quickly and easily.
- Q3. 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)
 - Yes but in consultation with all relevant and interested parties.
- 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)
 - No, all guidance should be free to everyone, and everyone should have access to immediate updates. Nobody should be able to gain an upper hand, or be seen to be gaining an upper hand simply because they are in a position to pay for it.
- 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)
 - Yes, but signposts to best practice from other organisations are also important. Focussing minds on a single resource will help make discussions between local authorities and their partners and stakeholders more efficient. However, this should not mean that existing resources are ignored. Some websites will provide useful advice and should be signposted to, for example <http://www.nbn.org.uk/Tools-Resources/NBN-Publications/Guidance-Documents.aspx>

- Q6. Do you agree with the recommended timescales for cancellation of guidance and new/revised guidance being put in place? (Recommendations 10-13)
- For guidance in Annex B, there should not be a gap between this guidance being cancelled, and its useful material being incorporated into replacement guidance. For example; Document B/11 – the 2006 Planning and Geological Conservation: A Good Practice Guide provides some very useful statements on the need for LAs to have access to up-to-date biodiversity information – something that is very weak in NPPF (unlike the requirement for LAs to have access to an Historic Environment Record). According to the recommended timescales for the removal of old guidance and updated guidance coming in, this will happen during the time when local authorities are renewing their service level agreements with local environmental records centres (LRCs) and this may have an adverse effect on LAs’ ability to judge whether LRC services are required into the future, especially if they are looking to make further efficiency savings. For that reason alone, the cancellation of Annex B guidance should not take place until the new guidance is in place.
- Q7. 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)

As mentioned above we believe there is a specific problem relating to the “Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (2006)” as this guidance has been used extensively to inform local authorities of the need to have access to up-to-date ecological and geological data, as well as the need for LAs to have in-house/shared ecological expertise in order to interpret and make effective use of that data. The Taylor Review acknowledges that this guidance contains some key paragraphs that need to be retained. We could concur with this view, but are worried these paragraphs would be lost, at a very important time, whilst waiting for replacement guidance to be produced.

Furthermore, we would argue that the National Planning Policy Framework actually makes this (2006) guidance even more pertinent, as it outlines specific requirements (set out below) regarding the natural environment where it is implicit that access to biodiversity / geodiversity data is a requirement in order for LAs to;

- Ensure that planning should contribute to conserving and enhancing the natural environment (para 17; core principle) - by minimising impacts on biodiversity, providing net gains in biodiversity, halting overall decline in biodiversity, establishing coherent ecological networks etc.
- Ensure that planning policies should (para 117);
 - Identify and map components of local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them.

- Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.
- Prevent harm to geological conservation interests
- Apply the principle that planning permission should be refused for development resulting in the loss of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees.....unless the need for, and benefits of, the development in that location clearly outweigh the loss..(para 118)
- identify land in the local plan where development would be inappropriate.....this would include land-use designations on a proposals map (para 157)

For LAs to achieve any of the above it is critical they have access to good baseline data. The 2006 guidance sets out how this can be done in an efficient and effective way through supporting LRCs – who have been demonstrating the benefits of a ‘Shared Services’ for several decades. The details contained within paragraphs 2.30 – 2.32 of the 2006 Guidance; form a strong basis of evidence from which LAs are able to continually assess their relationship with, and need for an LRC.

The Taylor Review recommends “Planning for Biodiversity and Geological Conservation: A Guide to Good Practice” be cancelled now, but key paragraphs should be kept in future guidance. ALERC would agree that this guidance has become outdated, particularly the case studies, but would not advocate immediate cancellation for the reasons stated above and in the answer to question 6. Instead, we would request that guidance is updated and combined with the 06/2005 Circular (see below) to provide a single point of reference for all matters relating to biodiversity/ geodiversity. This is a process that ALERC is in a position to help with.

ALERC endorses the suggestion that “Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System” (2005) should be retained and reviewed as it is highly important as it refers to biodiversity and legal obligations. ALERC would be happy to provide input into this review as ALERC member LRCs work closely with LAs in order to help them fulfil their statutory obligations.

- Q8. Do you agree with the recommended priority list for new/revised guidance? (Recommendations 17-18)
- With specific reference to biodiversity; so long as the existing guidance is updated and, the parts relevant to NPPF are carried forward then there is no need to add any new biodiversity guidance.

An important request would be for the biodiversity guidance to address the ‘priority’ versus ‘irreplaceable’ habitat definitions which are used interchangeably across the NPPF, the NERC Act and the existing guidance, currently bringing confusion.

- 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?
- No