



External review of Government Planning Practice Guidance (following the Taylor Report)

Response from the English National Park Authorities Association (ENPAA)

15 February 2013

1. The English National Park Authorities Association (ENPAA) supports the policy-making process by co-ordinating the views of the ten English National Park Authorities. It is governed by the Chairs of the ten Authorities. Our response represents the collective view of officers who are working within the policies established by the National Park Authorities (NPAs) and follows internal consultation amongst the All Parks Heads of Planning Professional Group. We are happy for our response to be made publicly available and would be happy to discuss any of the points we make further with officials if that would be helpful.
2. In December 2012 the Government launched a consultation seeking views on the conclusions and recommendations of the review of planning guidance led by Lord Taylor of Goss Moor. ENPAA wishes to respond to the following questions within the consultation document.

Q1. Do you agree with the recommendations of the Review Group overall?

ENPAA welcomes the Government's proposal to streamline the large amount of planning practice guidance that remains in place following the adoption of the NPPF. The practice of guidance being prepared by other organisations and hosted on their web site – most notably the plan making manual – has led to confusion and out of date information and in some instances no information at all. We also support the recommendation that it should be CLG's responsibility to host, co ordinate and update the planning guidance in one central place.

There are presently a number of guidance documents in place that have been produced by practitioners – for example 'Viability Testing of Local Plans' produced by the Local Housing Delivery Group and the Guidance on Minerals Safeguarding Areas. The Taylor review does not make clear what the status of these documents is or what weight they should be given in policy development and decision making. This should be clarified as part of the review of planning guidance.

The process for carrying out the review of guidance needs to be made clear – is it envisaged that practitioners will have an opportunity to input to or comment on the new guidance before it is published? Practitioners can make a valuable contribution to ensuring that guidance is robust and clear but there does not appear to be any

opportunity for this input in the proposals announced so far and the timescale for the publication of the new guidance is very short.

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 but the issue of version control needs careful consideration. By way of an example, at any appeal it could be critical to know what version of the guidance applied when a decision was taken on a planning application as appeal decisions can turn on the interpretation of words in both policy and guidance. It is not clear how version control is going to be managed or presented but in order to make the process manageable it is suggested that the guidance is not updated too regularly – every six months would be a reasonable interval. Previous versions of the guidance should be kept easily accessible on the web site.

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 there should also be a mechanism for local authorities, consultants and other practitioners to be able to suggest new guidance or amendments to existing guidance, through a forum or discussion board.

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)

We support the move to replacing the 200-plus guidance documents in use with a single, up-to-date “web based live resource”. We further agree that access to all planning guidance online should be free of charge, but do not agree with the recommendation that planning authorities, with ever diminishing resources, should be charged for an additional service involving immediate notification of every revision to the guidance. It is important that all users of the system have unrestricted access to the same advice at the same time and this may not be achieved with the proposal for charging. As stated above, previous versions of the guidance need to be kept on the web site. It is helpful to see amendments done in the context of the whole document and not just by addendums which has tended to happen recently and creates a lot of confusion.

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 – see response to question 1 above, subject to clarification about what is happening with guidance that has been produced by other bodies.

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

This timescale will be challenging at a time of stretched resources in CLG and it may be helpful to consider the priority areas for the review of existing guidance and producing new guidance. We would rather that the deadline for the work is extended if needed to ensure that the resulting planning guidance is “fit for purpose” and not rushed through in order to meet an unrealistic timescale.

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)

It is acknowledged that much of the existing guidance recommended for cancellation is out of date. However, until it is known what relevant material is to be incorporated into the revised guidance, it is difficult to make an objective and informed assessment as to whether helpful advice is to be lost.

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

We consider that there is a significant gap in relation to the provision of housing in the English National Parks that is a priority for new planning guidance. The adoption of the NPPF and the revocation of Regional Spatial Strategies has resulted in a lack of clarity on the role of National Parks in providing new housing. The National Park Authorities have set out an ‘articulation’ of the position in relation to the NPPF which is attached as Appendix A to this response. It is considered that this could be incorporated into the updated housing guidance to be produced to replace the Strategic Housing Market Assessments Practice Guidance Annexes (document 56 in the review table).

The replacement guidance for Annex E to PPG7 could also usefully include the advice contained in Annex A to PPS 7 on the functional and financial tests used to assess applications for agricultural workers dwellings.

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?

We agree with the point made in the Taylor report that case studies are time consuming to put together and keep up to date and therefore should not be used in planning guidance. Planning practitioners have plenty of other forums where best practice can be shared.

Appendix A

Articulation of the Housing Policies applicable to National Parks As set out in the National Planning Policy Framework

Overview

Existing planning policies set out in the Core Strategies/Local Plans of the ten English National Park Authorities (including the Broads) focus on the delivery of housing for local needs, local affordable needs and intermediate market housing. In some of the larger National Park settlements a small element of market housing may be provided as a means of helping to deliver the housing needs above.

This long standing approach to housing has been adopted because the opportunities for housing development in National Parks are limited due to the importance of the statutory conservation purpose. Priorities are therefore given to addressing the housing needs of the National Park communities rather than meeting the external demand for market housing in these particularly attractive environments.

This approach is embodied in the Government's Vision and Circular for the English National Parks and the Broads (2010) specifically paragraph 78.

Application of the National Planning Policy Framework

The relevant policies in the NPPF taken as a whole support this approach and reinforce the Government's commitment to protecting National Parks and addressing the sustainable development needs of those living and working within them. The following table presents an articulation of the stepped approach which leads to the acceptance of the above approach:

Policy Approach	NPPF Reference
Evidence Base: All policies need to be informed by evidence and NPAs should therefore establish the housing needs for the National Park – working with Rural Housing Enablers at parish level and local housing authorities at Strategic level.	<i>pp47: "local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area..."</i> <i>pp54: "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through the rural exception sites where appropriate."</i>

<p>Assessing Housing Needs against Constraints:</p> <p>Meeting the full, objectively assessed housing needs for the area has to be consistent with the policies set out in the NPPF. National Parks do not have the capacity to accommodate the full housing needs without seriously harming National Park purposes. Adjustments to the provision of identified needs therefore must be made so that the level and type of housing development is appropriate to the protection and status of the designation.</p> <p>Relevant policies in the NPPF are very clear that National Parks are protected areas and that their statutory purposes should be given great weight in planning decisions. These policies would be in conflict with the level of house building required to meet the full needs of the area.</p> <p>The need for local plans and local planning authorities to fully meet objectively assessed development needs does not apply where specific policies in the Framework indicate development should be restricted.</p>	<p>pp47 : <i>“local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”</i></p> <p>pp115: <i>“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”</i></p> <p>Footnote 9: <i>“specific policies in this Framework indicate development should be restricted. For example, those policies relating to sites.... Within a National Park (or the Broads Authority)”.</i></p>
<p>Focus on Delivery of Affordable and Local Needs Housing</p> <p>Because of the overriding constraints within National Parks recognised in the NPPF, the limited opportunities for housing development should focus on the delivery of housing to meet local and affordable housing needs. This is recognised in the National Parks Circular (pp 76) as a critical link to the provision of support for commercial and business development in the Parks.</p>	<p>Footnote 25: <i>“English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.”</i></p> <p>pp78 of Circular 2010 <i>“The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key</i></p>

	<p><i>services.”</i></p> <p>Pp79 of Circular 2010: <i>“The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.”</i></p>
<p>Meeting Housing Needs through the Duty to Cooperate</p> <p>In view of the duty to cooperate and the emphasis placed on cross boundary working by the NPPF, the inherent strategic priority given to statutory purposes by designating a national park may require neighbouring authorities to assist by accommodating residual development pressures.</p> <p>Wider housing needs identified across housing market areas should be met through collaborative working with neighbouring local authorities under the duty to co-operate. Thus, the role of larger market towns adjacent to National Parks which act as ‘service centres’ for the surrounding rural area are important locations for meeting any unmet housing needs arising within the National Parks.</p> <p>National Parks Authorities should agree</p>	<p><i>pp179: Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework”</i></p> <p><i>pp159: “Local Planning authorities should have a clear understanding of housing needs in their area. They should:</i></p> <ul style="list-style-type: none"> <i>• Prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries;</i> <i>• Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”</i> <p>Pp181: <i>“Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for</i></p>

<p>with their respective constituent district councils the most appropriate local mechanism to implement this for example through memorandum of understanding or joint agreements</p>	<p><i>issues with cross boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.”</i></p>
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