National Planning Practice Guidance website

Author: Andrew Ross LGiU Associate
Date: 9 September 2013

Summary

- The government has launched a test version of the National Planning Practice Guidance (NPPG) website
- The website includes new draft planning practice guidance on a range of topics such as viability, the duty to cooperate and neighbourhood planning
- The deadline for feedback is 9 October – the final version will go live later in the year, and no existing guidance will be cancelled until then
- The NPPG website aims to be accessible to all: this briefing is therefore of interest to everyone working in local government, but especially planning officers and elected members

Briefing in full

Introduction
On 28 August 2013 the Planning Minister, Nick Boles, launched an initial version of the National Planning Practice Guidance (NPPG) website (this is the Beta version, which is a stage in web development involving user testing). The development of this site was recommended by the Taylor Review (LGiU briefing), which was set up in 2012 to overhaul planning practice guidance, as a way of streamlining guidance and making it easier to access.

The government says that the new website slashes the volume of planning practice guidance by more than 90 per cent. It both condenses existing guidance, and includes new guidance on topics such as viability (see ‘What’s new?’ below). The testing of the site runs until 9 October 2013; you can provide feedback via the short survey. The government will revise the site following the test period and finalise it to

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go live later this year. None of the current planning practice guidance will be cancelled until the online guidance is finalised.

Clarifying the legal status of planning practice guidance

One of the aims of the website is to complement the National Planning Policy Framework (NPPF) with guidance on how to implement the framework in practice. Practice guidance, in the right circumstances, can be a material consideration (that is, form part of the decision-making process), as set out on the NPPG website:

- local planning authorities must have regard to national policies and advice contained in guidance issued by the Secretary of State when preparing local plans
- planning practice guidance where relevant may be a material consideration when determining planning applications
- one of the basic conditions that must be met by a draft neighbourhood plan, Neighbourhood Development Order or Community Right to Build Order is to have regard to national policies and advice contained in guidance issued by the Secretary of State.

Note that during the feedback stage the government expects that the guidance published on the test site will have 'limited weight'.

What’s the website like to use?

The site puts the subheadings of the NPPF (in blue) alongside the list of practice topics covered by the NPPG (in maroon). Note that the separate Planning Policy for Traveller Sites, published alongside the NPPF, does not appear on this site (strangely, neither does the website include recent published planning practice guidance for renewable and low carbon energy). These omissions need to be amended.

Users can see both the NPPF and NPPF subheadings on the same page, and click through to more information on each of the practice guidance topics (currently 38, from 'Advertisements' to 'When is permission required?').

One of the best aspects of the site is that planning practice guidance on each of these topics is clearly set out using a question and answer format ('What is an advertisement?', ‘When is consent required?’ and so on). Many of the answer pages have a number of subsections, which don’t appear as clickable links at the top. It would be easier to navigate if these were clearer.

There are cross references between the two sections of the site (that is, between the NPPF and NPPG) although these need to be more comprehensive (for example, the ‘related policy’ links for the NPPG section on ‘ensuring the vitality of town centres’ includes an Appendix reference in the NPPF but not the actual NPPF chapter on town centres).
Sometimes subheads are numbered, and sometimes they aren’t; paragraphs beneath the subheads are never numbered. Given the legal status this information will have it would seem essential that each paragraph can be referred to; some form of numbering is likely to be inevitable.

The search function is unreliable. I tried a few searches on topics that I knew were contained in the NPPF, and didn’t always get the results that I should have. Similarly, one of the government press releases anticipating the launch of the NPPG website was on new guidance relating to parking. But a search of the NPPG on ‘parking’ gives no results. This may be a consequence of the test stage, but it is critical for users that they can depend on the search function to produce accurate and comprehensive results.

The website currently does not provide users with the option of downloading and saving any chunks of information (ie as PDF files). This may be a precaution to prevent thousands of downloads of guidance that will be out of date when the final version goes live later in the year. If not, then this oversight needs to be addressed urgently as many local authorities continue to have security systems that make using the web difficult for officers. Having the capacity to refer to material when offline will also be important for meetings/hearings and justifying/making planning decisions.

What’s new?

As well as recommending that existing guidance be refined and cut, the Lord Taylor review called for new planning practice guidance for some topics. One flaw of the test site is that no distinction has been made between condensed existing guidance and proposed new measures. This makes commenting on any new guidance especially time-consuming and onerous.

According to the government, new draft guidance is included in the website on:

- **Local Green Space Designation**: this designation can help local communities to protect an area that they regard as important, and is recorded in a local or neighbourhood plan

- environmental quality:
  - **noise**: elaborates on the Noise Policy Statement for England (reflected in the NPPF) and the implications for local plans
  - **air**: sets out a range of air quality issues relevant to considering development needs via the local plan and neighbourhood plans
  - **land**: focuses on the contamination issues that need to be addressed by local plans
  - **water and water supply**: provides expanded guidance relating to river basin management plans and elaborates on the government’s National Policy Statement for Waste Water (reflected in the NPPF)
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- **light pollution:** sets out guidance on using the planning system to get ‘the right [artificial] light in the right place and providing light at the right time’

- **duty to cooperate:** including guidance on questions such as ‘what should an LPA do if it is reliant on another LPA that will not cooperate?’ [Answer – talk to the Planning Inspectorate ahead of submitting plan for examination] and ‘how will the Planning Inspectorate test a local plan where an LPA’s plan cannot be delivered fully because it has been unable to secure cooperation of another LPA?’ [Answer – it depends on the circumstances]

- **viability:** including advice on assessing viability for both policy-making and decision-taking (elaborating on the policy principles set out in the NPPF) – ‘viability assessment… should not compromise the quality of development but should ensure that the Local Plan vision and policies are realistic and provide high level assurance that plan policies are viable’

- **neighbourhood planning:** it includes promised guidance on prematurity and how neighbourhood plan processes should proceed in areas where a draft local plan is also being prepared (see LGiU Policy in Practice Briefing on neighbourhood planning). Only in exceptional circumstances can an application be refused on the grounds of prematurity (generally for a conflict with the neighbourhood plan to be relevant then the plan needs to be well advanced – at the LPA publicity period). In areas where neighbourhood and local plans are being prepared concurrently, the LPA and qualifying body (forum or parish/town council) should ‘aim to agree’ the relationship between policies in both emerging plans, the adopted development plan, and their ‘degree of consistency with the NPPF’.

To underline the point about the difficulty of navigating this site, the guidance above relating to prematurity appears in the section on ‘determining a planning application’ without cross-referencing to the section on ‘neighbourhood planning’.

The press release accompanying the launch mentions a new ‘affordability test’. But this test – which had been reported as a new legal obligation to provide affordable homes – is not at all clear (a leading planner said that he was ‘bewildered by this affordability test, I don’t see anything in the guidance that sets out what it’s supposed to be’). There is a section on assessing housing need, which concludes that, having assessed the need for affordable housing within the context of the local housing market, planners should ‘consider’ increasing the total housing figures included in the local plan ‘where it could help deliver the required number of affordable homes’. The Secretary of State for Communities and Local Government, Eric Pickles, also generated widespread press coverage for his attack on encouraging more town centre parking and an end to ‘aggressive anti-car traffic calming measures’ (these will be reviewed in a separate LGiU briefing on local transport later in the month).
Finally, I found the government's publicity for the site confusing around what is planning practice guidance: does advice on opening up planning appeal hearings to be filmed really qualify?

It is beyond the scope of this briefing to critique any of this new guidance, but you can comment using the feedback page of the website until 9 October.

Comment

The launch of the NPPG website, albeit in test mode, is another milestone for the government in establishing its more streamlined and accessible planning system. It didn’t get off to a great start: the August launch, two days after a Bank Holiday, looks like it was designed to be missed by many, which is just as well as the site was down for the first couple of days (at least it was for me and it seems for many others too).

Putting that to one side, my biggest concerns relate to who this website is for, and whether it achieves what the government says it wants it to do.

Launching the site, Nick Boles said that:

‘Planning shouldn’t just be the preserve of technocrats, lawyers and council officers… To be effective, our planning system needs to be supported by practical guidance that anyone can consult and follow.’

The question is, can the website be both the only source of practice guidance for decision makers involved in the planning system, and for everyone else? The worst case scenario is that the site ends up providing information that both fails to give practitioners enough detail while at the same time alienating the general public.

Despite the catchy question and answer structure, much of the guidance is still written in planning language. This is hardly surprising given the important status of this information within the planning system, but it is currently misleading to promote it as a website ‘for everyone’. For that to happen then the information is going to have to be packaged differently. At the moment if I want to find out more about guidance on, say, shops (a pretty ‘everyone’ kind of a concept), then I actually need to click on ‘ensuring the vitality of town centres’ (distinctly not an ‘everyone’ kind of a concept). Typing ‘shops’ into the search box comes up with nothing.

Crafting the information in a way that can be understood by the general public, while also being sufficiently robust that it stands up in a court of law, won’t be easy (finding a shared language that professionals from different disciplines understand is challenging enough). Still, there are simple steps that could make even the existing information more legible to everyone. For example, guidance headings need to be consistent (it’s an editorial niggle, but there is a mixture of noun-only headings – ‘Noise’ - combined with verbs and nouns – ‘Conserving and enhancing the historic environment’).
Perhaps the greatest improvement would be to create a site that looks attractive and inviting. It is very bland – text only, no pictures. Surely a website that is encouraging people to improve places could inspire with a few illustrations of what is possible? Nick Boles is the first to advocate ‘beauty’ as a means to getting development accepted, but there is nothing to suggest elegant design on this site.

For more information about this, or any other LGiU member briefing, please contact Janet Sillett, Briefings Manager, on janet.sillett@lgiu.org.uk