

Consultation Response

Review of Planning Practice Guidance

Following our initial submission to Lord Taylor at the outset of the review, the National Committee of the Compulsory Purchase Association (CPA) welcomes this opportunity to comment on the recommendations made by the Review Group.

The Compulsory Purchase Association

The Association's objective is to work for the public benefit in relation to compulsory purchase and compensation in all its forms. This includes promoting the highest professional standards amongst practitioners at all levels and participating in the debate as to matters of current interest in compulsory purchase and compensation. The CPA has some 500 members practising in this field including surveyors, lawyers, accountants, planners and officers of public authorities.

The National Committee considers that the Group's review and recommendations are of direct relevance to the fields in which the CPA's membership are engaged and we are pleased to set out our response to the consultation below.

Consultation Questions

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

Yes. The CPA supports the main findings and recommendations for streamlining, updating and simplifying the body of planning practice guidance as a whole.

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 and 6).

We would respond as follows:

Recommendation 1: we support the objective that guidance should be clear, up-to-date, coherent and accessible and generally agree with the Group's conclusions as to the shortfalls of the current body of guidance in all of these respects. We would also support the proposal that there should be a separation between guidance as to how statute and policy should be applied and more general "best practice" guidance.

Recommendation 2: we agree that a web based system would optimise the ability of government to ensure that guidance is kept up to date and would enable users quickly to identify the relevant and most up-to-date guidance on any particular matter as and when they need this information. We would also support the proposal to bring all relevant guidance (including that produced by PINS) into one location to make it as easy as possible for users to access this when needed.

Recommendation 3: Agreed. We also support the proposal for annual review so that a schedule of the most up-to-date versions of the whole suite of guidance can be accessed readily.

Recommendation 5: whilst we support the principle of a “live” body of guidance we agree that a mechanism will need to be put in place to make it clear that the guidance is/ was current at the time of its use. This is essential for our members who are likely to be using such guidance on a regular basis in connection with tribunal, court and inquiry proceedings. A facility that allows for material to be printed and date stamped would therefore be a minimal requirement.

We would also draw attention to frequent need for practitioners undertaking work in respect of land compensation claims to establish the relevant planning assumptions to be applied at a date which can be some years prior to the date at which the expert reports are actually being prepared. Hence there is a specific need for our members and other practitioners in this area of work to be able both to identify clearly what guidance or version of a particular guidance document was operative at a particular historic date and to obtain copies of those documents even though they may have been superseded by more recent versions. We would therefore ask that particular consideration is given to how this can be managed within the live system proposed.

Recommendation 6: we support the recommendation that guidance should be accessible on a free to use basis and consider that this would be one of the major benefits of a single web based system. We consider that practitioners involved in all fields of planning and related work would derive considerable benefit from a regular update with regard to changes to or replacement of current guidance. There are many examples of such bulletin systems which users can opt into and these have become an important tool of the day to day work of our members and we would request that this element should be included as part of the initial design and set up of any web based system.

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).

The CPA agrees that there is need for one person or small group to have overall (and clearly defined) responsibility for ensuring that all material accepted and uploaded to the web system as “planning practice guidance” is of an appropriate standard and quality. We agree that, given the nature of the majority of guidance that is likely to be included in the streamlined system, it would be appropriate for the Chief Planner to take on this responsibility provided that the role is properly resourced. We also consider that this role should include an on-going responsibility to monitor the guidance on a regular basis and, proactively, to make recommendations to ministers for revision and replacement where a need is identified.

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?

Whilst in principle we do not think it unreasonable to make a small charge for such a service careful consideration would need to be given to how users would be able to establish specific settings such that updates are tailored to their particular areas of practice or interest. Even after the streamlining which is proposed, there will still be a large and varied body of practice guidance in place and only parts of this are likely to be relevance and use to most practitioners.

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).

Yes. We consider that this would represent a substantial improvement on the current arrangements (see also our response under Q 1 above).

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

Yes. We agree that this should be given the highest possible priority. However we also support the specific proposal with Recommendation 13 that a second formal consultation be carried out, at the point at which the new resource goes live, to enable any weaknesses to be resolved or improvements to be made as quickly as possible. We welcome the Group's acknowledgement of the valuable contribution that practitioners and other users will be able to make to ensuring that the new system is truly fit for purpose and are confident that both the National Committee and many of our members will be ready and willing to provide prompt and constructive feedback if given this opportunity at that time.

The CPA considers it very important that the necessary time and care is invested in setting up the central web based resource and ensuring that this provides for easy searching for and accessing of documents, both for practitioners and members of the public to use. We emphasise this because the recent change by the DCLG from its own website to the general Gov.uk website has made it much more difficult to find key documents than was previously the case.

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).

We have no comments on the documents identified in Annex A for cancellation or on those within Annex B which are proposed to be withdrawn with their subject areas being covered in future guidance.

We consider that the Group has included within Annex A all of the relevant guidance notes and circulars that need to be retained in respect of the continuing work of our membership in relation to compulsory purchase and land compensation and, therefore, support its recommendations in this respect.

We would however submit that the replacement of Circular 6/04 with updated guidance should be given some priority; in particular the replacement of Appendix P concerning Certificates of appropriate alternative development as this guidance is no longer compatible with or reflective of the amended sections of the Land Compensation Act 1961. The CPA would be pleased to be involved with and assist the Government in the production of guidance to replace the circular.

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

As per our comments in response to Q7 above we consider that Circular 6/04 should be a priority for replacement by new and updated guidance. With this addition we support the Group's proposals as set out in Annex D.

9. Are there any other points that 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?

The CPA National Committee is content that the Group's recommendations have taken on board the suggestions made in our initial submissions and welcomes their findings in this respect.

As noted previously we support the proposals that “best practice” guidance should be separated out from the main body of practice guidance. However we consider that there are many areas where the publication of best practice guidance would be advantageous and that this includes aspects of practice in respect of compulsory purchase and land compensation. The CPA has extensive knowledge and experience of the application of good practice in these fields and would be pleased to participate in the production of any best practice guidance that the Government sees fit to bring forward in these particular areas.

CPA National Committee

February 2013.