

**Planning Practice Guidance - Summary by Category**

**Advertisements** – Divided into 8 sections, covering issues such as when consent is required, local controls over the display of advertisements, unauthorised advertisements and what is meant by 'amenity'. Embellishes the 'Regulations', (2007), rather than offering anything new/noteworthy. PPG is in line with the NPPF, (para. 67), insofar as advertisements should only be assessed in respect of amenity and public safety.

**Air Quality** – Links to the UK's obligations under the EU's 2008 *Ambient Air Quality Directive*. Provides a useful guide to the considerations including how air quality fits within the DM process.

**Appeals** – There are three sub-sections on the appeals process: (1) An overview, (2) summary of the timescales (3) Procedures relating to 'other planning decisions'. Sections 4,5,6 & 7 relate to the award, (or otherwise), of 'costs'.

**Before Submitting an Application** - Deals with pre-application discussions in terms of their value and who and what they should entail. Guidance is provided on Planning Performance Agreements, (PPAs), including when they can/should be used. Much constitutes 'best practice' already.

**Climate Change** - Compliments paras. 93 to 95 of the NPPF, seeking to ensure planning helps to implement the objectives of the Climate Change Act 2008.

**Conserving and Enhancing the Historic Environment** – Minimal changes to current heritage policy/guidance but does bring the existing information up to date in one comprehensive and apparently user-friendly resource.

**Consultation and Pre-Decision Matters** - Introduces a clear summary of the consultation and predetermination requirements that are otherwise set out in various pieces of legislation.

**Crown Development** – Although no specific reference to Crown Development within the NPPF, the PPG seeks to replace and as a result streamline, previous guidance within the DCLG Circular 02/2006.

**Design** - The centrality of good design as an integral part of achieving sustainable development is reinforced from the NPPF.

**Determining a Planning Application** – The majority of the guidance remains unchanged albeit in a simplified form. The PPG clarifies when councils can consider refusing permission on the grounds of prematurity in relation to draft plans and introduces the 'Planning Guarantee'.

**Duty to Cooperate** – Although little is 'new', asserts that the duty to co-operate is not a duty to accept. Reminds LPAs that they should make every effort to secure the necessary co-operation on strategic cross boundary matters before submitting their Local Plans for examination.

**Ensuring Effective Enforcement** - Relates mainly to the provisions in the *Town and Country Planning Act 1990*. However, the NPPF, (para.207), and PPG provide a significant new steer on how enforcement action should be managed by LPAs.

**Ensuring the Vitality of Town Centres** – Useful in 'fleshing out' both the '*sequential*' and '*impact*' tests. NPPF paras. 23-27 and 40 are reiterated, requiring LPAs to plan positively to support town centres and adopting a 'town centre first' approach.

**Environmental Impact Assessment** - The section on EIA is thorough and contains relevant parts of Circular 02/99 that will be superseded. The guidance extrapolates on the requirements of the EIA Regulations 2011 rather than introducing anything 'new'.

**Flexible Options for Planning Permissions** - Useful summary of the type of applications that can be utilised where minor amendments are required to planning permissions. The 'options' can only be 'utilised' where 'less substantial' changes are proposed, (substantial modifications continue to trigger a fresh application).

**Flood Risk and Coastal Change** - Robust guidance on flood risk, making it clear that councils need to consider the strict tests set out in national policy and where these are not met, new development on flood risk sites should not be allowed.

**Hazardous Substances** - The PPG provides further detailed guidance on the decision making and procedural processes and complements para. 172 of the NPPF.

**Health and Wellbeing** - Places healthy living as a key focus for planning. Health Impact Assessments and the demonstration of how development proposals provide for healthy living and wellbeing will become increasingly commonplace.

**Housing and Economic Development Needs Assessment –**

Little is new. Rather, the PPG brings together and distils Strategic Housing Market Assessment, (SHMA), guidance and parts of the Employment Land Review, (ELR), guidance.

**Housing and Economic Land Availability Assessment –**

- Re-affirms Green Belt protection,
- Local plans can pass the test of soundness where LPAs have not been able to identify land for growth in years 11 to 15,
- Windfalls can be counted over the whole Local Plan period,
- Allows consideration of past over-supply of housing to be taken into account when assessing housing needs.
- 'Needs' assessments are not automatically outdated by new household projections.
- LPAs should aim to deal with any undersupply within the first 5 years of the plan period, where possible,
- LPAs should be able to consider the delivery record, (or lack of), of developers or landowners,
- Student housing, housing for older people and the re-use of empty homes can be included when assessing housing need.

**Land Affected by Contamination –** Provides a thorough explanation of the issues and when contamination should be considered in planning, with numerous links to related legislation.

**Land Stability -** Focuses on the effects of development on landslides, subsidence and ground heave that could give rise to harm to human health, local property and associated infrastructure and the wider environment. Defines the LPA's role in planning for unstable land.

**Lawful Development Certificates –** Replaces the *Lawful Development Certificates: A User's Guide*, (Dec 2007), whilst at the same time providing a greater level of detail relating to (1) establishing whether a development is lawful (2) definition of lawfulness and its limits (3) application/determination procedure (4) content of a certificate and (5) conditions, appeals and revocations.

**Light Pollution -** Significant increase in guidance to that contained within superseded PPS23. Recommendation that LPAs should take account of lighting issues in the preparation of their Local Plans.

**Local Plans -** The process for preparing Local Plans and their assessment at examination is unchanged, (repeats policies within the NPPF and requirements as set out within the Regulations), albeit the ability for plans to be found sound 'conditional upon a review in whole or in part within 5 years' is formally introduced. Local Plans

should, for at least the first five years, make clear what infrastructure is required, who is going to fund and provide it and how it relates to the anticipated rate and phasing of development.

**Making an Application** - Guidance deals with the process from determining the type of application through to the validation of an application and post validation changes.

**Minerals** - This guidance incorporates the '*DCLG; Planning practice guidance for onshore oil and gas*' that was published in July 2013 and has now been deleted. The role of the LPA in safeguarding minerals is explored.

**Natural Environment** - The guidance doesn't change what has been available to date but provides a useful one-stop-shop of links to all the various sources of information.

**Neighbourhood Planning** - The legislation is enshrined within the *Neighbourhood Planning, (General), Regulations 2012*. The PPG provides a 'less technical' summary and explanation of the key aspects and procedural stages of neighbourhood planning.

**Noise** - The guidance recognises that noise is a relevant consideration both for development that might generate it and for schemes located within areas exposed to existing noise.

**Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space** - Useful clarification of the nature of Local Green Space, what form it can take and perhaps more importantly, what it is not intended to be.

**Planning Obligations** - Obligations should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. These 'tests' are laid out in the NPPF. Further, the PPG has tightened up on making sure a Development Plan policy is in place before planning obligations can be secured and not using SPDs to add additional burdens on development.

**Renewable and Low Carbon Energy** - Reiterates recent advice contained within the superseded '*Planning practice guidance for renewable and low carbon energy*', (July 2013). Strengthens advice on the cumulative impacts of solar farms and wind turbines.

**Rural Housing** - Primarily embellishes paragraphs 28 and 55 of the NPPF which address supporting a prosperous rural economy and promoting sustainable development in rural areas.

**Strategic Environmental Assessment & Sustainability Appraisal** – Explains how SA and SEA relate to each other and covers all stages of the process, explaining when it is required and how the process interacts with other assessment regimes such as EIA and HRA. Information on the assessment of Local Plans and neighbourhood plans is provided.

**Travel Plans, Transport Assessments and Statements in Decision-Taking** – In Comparison to PPG13, a more comprehensive breakdown of the expected scope and content of Transport Assessments or Statements and Travel Plans is provided. Much of the guidance reflects existing 'best practice'.

**Tree Preservation Orders and Trees in Conservation Areas** - A detailed replacement for Circular, (36/78), setting out, at some length, the range of procedures that relate to the protection of trees. The PPG identifies how TPOs and conservation area protections apply to trees, what the responsibilities of owners are and how LPAs should act in approaching and operating the protection given to trees, in the interests of amenity.

**Use of Planning Conditions** - Does not vary greatly from the advice contained within Circular 11/95. There is a strong emphasis throughout the section on a more rigorous application of the 'six tests', as identified within paragraph 206 of the NPPF.

**Viability** – The PPG comprises 3 main elements: (1) an overview of viability (2) Viability and plan-making and (3) Viability and decision-making. The PPG stresses the importance of bringing brownfield land into use and makes clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers.

**Water Supply, Wastewater and Water Quality** - Sets out to implement the European Water Framework Directive and at the same time draws attention to the National Policy Statement for Waste Water, which is part of national planning policy.

**When is Permission Required** - Clarifies what development is, what permitted development rights are and what types of area-wide local planning permissions there are.