

The environmental technology and services industry has heavily criticised the draft National Planning Policy Framework (NPPF) for its lack of clarity, and the threat it poses to environmental protection and standards.

Commenting on the Environmental Industries Commission's (EIC) response to the draft NPPF consultation, EIC's Director of Public Affairs and Policy, Michael Lunn, said:

"The Environmental Industries Commission welcomes the Government's attempt to simplify and streamline planning policy, but we believe that the National Planning Policy Framework as drafted will not achieve the aim of 'sustainable development'.

"The EIC of course supports the notion of environmentally sustainable development, but it is unclear from the document just how the Government defines 'sustainable' – or the weighting between environmental sustainability and economic sustainability. Indeed, this lack of clarity, and differences in interpretation throughout the whole document, is a key concern. A localist agenda is a worthy aim, but comes with many difficulties. The Government say that the Framework is to be "interpreted and applied locally", but given the document's intentional vagueness, and the large number of Local Authorities in England, this could result in literally hundreds of different interpretations – potentially making development generally, and 'sustainable' development in particular, incredibly burdensome.

"The draft NPPF is by no means all bad – the goal of cutting unnecessary red tape is one which the EIC supports, and the promotion of sustainable development, once defined, is to be strongly supported, but perhaps this is a cut too far. Very few would argue that the current system is perfect – but the existing Planning Policy Statements and Guidance were drawn up with widespread industry input and expertise, and had become largely accepted if not adored. To sweep them aside in such a cut-throat manner could see anything but the 'sustainable development' the Government, and the EIC, want to see."

In their response to the consultation, EIC raised a number of concerns and recommendations covering the environmental industries. These include (but are not limited to):

The need for a clear, unequivocal statement in the NPPF that planning policies and decisions should ensure that Brownfield Land be developed first, and recognition that this will reduce the need for the development of Greenfield sites.

- The NPPF must recognise that there is significant risk in not requiring analysis on Greenfield sites. Not all site histories are complete, and not all land designated 'greenfield' can be assumed to be safe. Relying on a risk assessment based on a Conceptual Site Model, with no laboratory analysis, can lead to potential health hazards and possible future litigation.

The NPPF states that it will apply equally to planning for waste management, and must therefore provide greater clarity as to how its planning policies will interface with PPS10 (which is to be retained), and the National Waste Management Plan.

- In order to ensure high standards of environmental protection, the NPPF should specifically state the need for 'close co-ordination between planning authorities, transport authorities and pollution control regulators' as specified in Planning Policy Statement 23: Planning and Pollution Control.

- The NPPF needs to explicitly state (which it does not at present) that Building regulations for energy efficiency and standards must not be detrimentally affected by the planning policies.

The NPPF should recognise the guidance in PPS 25 relating to Development and Flood Risk. It was only updated in 2010 and is becoming well accepted by developers, regulators, Local Authority Planning Officers and consultants. To dismiss this guidance will not provide the clarity by Planners and Inspectors to make appropriate decisions for long-term flood safety.

Michael Lunn went on to say:

“Concern over the NPPF is most pertinent within the contaminated land remediation sector as the draft Framework does away with the “brownfield target” that at least 60 per cent of new homes should be built on previously developed land. This not only leads to greenfield land becoming the cheaper, more appealing option for developers, but is likely to see widespread job losses within the remediation sector and brownfield plots left abandoned, remaining an ongoing to blight to local communities – to us, this seems far from sustainable.

“Without supporting national guidance, the Framework as drafted will also not deliver a consistent approach, both in terms of delivery and quality. In the building sector for example, there is concern that this could lead to the undermining or complete dismissal of building regulations, standards and design codes if they are regarded as “financial burdens on development” by the interpreting Local Authority.”