

Society for the Environment response to the consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

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Introduction

The Society for the Environment (SocEnv) defines the standards for professional competence in environmental practice, ensuring key decisions are made by verified professionals. Having received a Royal Charter in 2004, we license professional institutions to award the Chartered Environmentalist (CEnv), Registered Environmental Practitioner (REnvP) and Registered Environmental Technician (REnvTech) professional registrations. There are now over 8,000 registered environmental professionals, sharing a common vision of delivering a sustainable future shaped by environmental professionalism.

This response has been shaped by the SocEnv [Soils and Stones project](#), an influential initiative bringing together experts from across sectors to share their knowledge, experience and solutions on safeguarding soils and soil related material, for use and reuse. This response focuses on the questions most relevant to the project's expertise and activity and we'd be happy to discuss our responses in further detail.

Overarching points

- SocEnv supports the Government's focus on sustained economic growth and agrees that planning reform, including revisions to the National Planning Policy Framework, can play a significant role in achieving this growth.
- With the right design and delivery, our planning system can deliver both economic growth and a better environment.
- Planning reforms shouldn't be shaped or delivered in isolation, but as part of a holistic approach across Government departments and between local, national and devolved authorities, with a view to ensuring their compatibility with other policies. As recognition of the need for a joined-up approach, we endorse and refer you to the interconnected [ten priorities outlined by the Environmental Policy Forum](#).
- The effectiveness of planning reforms depends significantly on local authorities having the resources and expertise to effectively deliver them in practice.
- SocEnv supports the proposals to prioritise the safe use, reuse, and redevelopment of brownfield land and to protect the Green Belt wherever possible.
- Conserving and enhancing soil health should be a requirement of all planned development. In our response, we outline how this approach could be reflected in reforms to the NPPF and other changes to the planning system.

Responses to consultation questions

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Yes, we agree with the Government's commitment to cross-boundary strategic planning. To tackle complex challenges and achieve our goals of economic growth and a better environment, collaboration and a joined-up, cross-boundary approach to planning across disciplines and local, national and devolved authorities is essential.

The need for cross-boundary strategic planning is evident when it comes to approaches to waste and transforming how soil is treated in developments. A common, agreed approach to soil reuse is an integral part of ensuring soil is treated as a valuable resource (as opposed to a waste). This should sit alongside wider action, notably, the inclusion of soil in the Circular Economy Regulations and the expedited development and rollout of the Soil Re-Use and Storage Depot scheme set out in the Environmental Improvement Plan.

It is essential that the anticipated Land Use Framework evolves so that it is not used to obstruct sustainable development. All related primary and enabling legislation, guidance, standards and codes of practice must be reviewed to ensure that they remain compatible with soil health, land emission reduction and net zero targets.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

No. Although we support the intention behind this proposal, the proposed definition of Grey Belt land falls short of recognising the complexities of this issue.

Our biggest concern is that Grey Belt land, with potential to be used for carbon offsetting, habitat creation or other purposes, could be developed without proper consideration. Environmental assessments may be necessary to ensure that we have a clear picture of the opportunities and costs attached to such development.

We eagerly await the publication of the Land Use Framework, as we hope this will provide clarity on how multiple land use objectives will be reconciled where land is primarily driven towards developmental land use.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Yes – there are challenges around intentional and unintentional degradation of land which could be addressed by robust monitoring and providing developers with improved access to environmental expertise, so they are aware of good practice for land management.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Yes, in line with our response to question 12, we would support an increased role for Local Nature Recovery Strategies (LNRS), especially on identification of priority areas for new and improved habitats. The effectiveness of this role will depend on LNRS having access to sufficient resources and expertise.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

Yes. In line with the Government's proposed 'brownfield first' approach, which we wholeheartedly support, we have the following suggestions to deliver this approach most effectively:

- The management of surplus soils and stones on development sites is currently controlled by both the planning controls and waste legislation. This double regulation by permitting regimes for materials use, contamination and processing activities creates barriers to development, with implications for economic growth. Paragraph 194 of NPPF could be further explained, with more clarity as to when different regimes apply and what is covered under planning and permitting. Permitting by default does not enable sustainable development of brownfield sites when all environmental risk can be covered by planning conditions for the construction process. Professional bodies have undertaken surveys of developers and have found permitting to be a frequent barrier to development projects, especially on brownfield sites. Earthworks management should come under planning control alone, and not be disaffected by double regulation due to waste permitting issues. This would provide smarter, quicker, and more effective delivery.
- Providing clearer guidance on key competency standards and a stronger and clearer definition of a 'competent expert' (currently required through the Environmental Impact Assessment Regulations) would help to increase evidence-based decisions and the effective use of brownfield land. Site environmental assessments must always be undertaken by competent professionals and ideally these professionals should hold an environmental professional registration. Some assessments may need input by multidisciplinary teams, to ensure the assessment is delivered with an understanding of the impact on other areas (for example, ecological and archaeological assessments should be undertaken alongside development of remediation strategies).

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes, and the forthcoming Land Use Framework should provide clarity on how multiple land use objectives will be reconciled. Existing legislation and commitments on peatlands and similar habitats should also be better referenced through the NPPF and supporting guidance.

In line with the mitigation hierarchy, protections are likely to be more effective than compensatory mechanisms in successfully restoring habitats. Regarding peatland specifically, compensatory mechanisms may not effectively account for the release of carbon previously sequestered in the peatland.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

Please refer to the following comments in relation to the NPPF:

- Paragraph 180 suggests that soils should be protected and enhanced in a manner commensurate with their statutory status or identified quality. A measure of soil health is required to identify soil quality and to quantify the natural capital value of soil and the ecosystem services it provides, including carbon sequestration and flood risk reduction.
- Paragraph 180 refers to Biodiversity Net Gain, but there is currently no recognition in the guidance of soil biodiversity as a net gain opportunity, and paragraph e) does not

mention local improvement of soil, only water and air. We feel strongly that soil health should be put on the same footing as water and air quality within Government policy, [a point echoed](#) by the Environment, Food and Rural Affairs Committee (EFRA) Committee following their 2023 inquiry into soil health. Using a clear and quantifiable definition for soil health, there should be an objective to improve soil health above the pre-development baseline for all green spaces within a development.

- Paragraph 124 should recognise the significant carbon sequestration potential of soil, particularly through regenerative management of land, to ensure that all development proactively encourages soil to be a net storage medium for carbon.
- Paragraph 8 refers to the minimisation of waste rather than aiming for zero waste and paragraph 216 encourages the use of secondary and recycled materials. The NPPF should encourage developers to promote non-waste options, in line with a circular economy. As guidance, please refer to the upcoming soils reuse hierarchy being developed by SocEnv and revised *Code of Practice for the Sustainable Use of Soil on Construction Sites*.
- The NPPF should set the standard for arisings management from developments, such that the Controlled Waste Regulations can be amended to exclude such arisings from the definition of controlled waste unless they fail to meet the standard.

In addition, wider planning policy focused on soils can help to address the inextricably linked climate and nature crises, through:

- The introduction of a soil health planning policy to achieve delivery of the Environment Act aims and objectives, by ensuring the planning system delivers on soil health at all levels of development.
- There should be a national policy on construction soil management, which would make excavated materials a resource in the first instance, only becoming a waste if it is clearly discarded or abandoned, due to its unsuitability for further use elsewhere. The policy should also promote the growth of the circular economy, resource depots for the temporary storage of surplus construction soil, and the secondary or recovered aggregate markets. Please refer to Lancaster University's report on '[Potential for a Soil Reuse and Storage system in England](#)' for the latest evidence and recommendations on soil's role in moving towards a circular economy.