



**WWF** *for a living planet*

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Planning Policy Division  
Department of the Environment  
Millenium House  
17-25 Great Victoria Street  
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Reference: Consultation on draft PPS24

6 May 2011

Dear Sir/Madam,

WWF Northern Ireland welcomes the opportunity to comment on draft Planning Policy Statement (PPS) 24. However, WWF Northern Ireland regards PPS 24 as fundamentally flawed and incompatible with existing government duties and policy and recommends it be withdrawn.

The purpose of any planning system must be to achieve sustainable development. This ensures the *integration* of economic, environmental and social objectives in plan making as well as *equal* consideration of economic, environmental and social impacts and benefits in the assessment of proposed forms of development. The basic premise of PPS 24 is completely inconsistent with this overarching purpose of planning, as it proposes to give substantial weight, which "*can mean determinative weight*" (as outlined in Policy EC1 on page 7), to the economic considerations of a proposal. The express intent of this policy is that economic considerations are to be elevated above all others, including environmental and social considerations, regardless of any negative impacts that may arise as a result of the development. WWF Northern Ireland simply cannot agree with or support this policy.

This proposed approach runs contrary to many, if not all, other existing Northern Ireland sustainable development policies. There is no indication of what is meant by 'significant' economic implications or what standard of evidence would be necessary to support any potential claims made for the economic implications of a proposed development. This means it is entirely possible that a development that has only short term, small scale, localised economic benefits may be given planning approval even if it also has negative environmental and/or social impacts, and potentially even negative economic implications, when considered on a different temporal or geographic scale to that upon which the development has been proposed. This, in effect, potentially gives *carte blanche* for virtually any development to proceed on the basis that it has 'significant' economic implications, a situation which WWF Northern Ireland regards as inappropriate, unacceptable and, where it overlaps with relevant provisions of domestic and EU law, potentially unlawful.

WWF Northern Ireland would like to emphasise that it does not oppose development *per se*, including development that is aimed at securing economic development. In fact, WWF Northern Ireland is a strong advocate of sustainable development and believes that sustainable development offers many positive opportunities for Northern Ireland, including many of the potential economic benefits the draft PPS 24 seems keen to facilitate. However, any such development must respect environmental limits and development aimed at delivering economic



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benefits must be assessed in the context of achieving sustainable economic growth, which has been defined in the English PPS 4 'Planning for Sustainable Economic Growth', as meaning "growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles"<sup>(1)</sup>. In making a decision all relevant and material considerations must be assessed equally and weighted according to the circumstances of the case. There should be no predetermined weight given to any matter, as the determination of weight to be accorded to a material consideration must be for the decision maker taking into account all the circumstances of the particular application being assessed. No other issue in the environmental or social spheres, has been given overriding priority in the planning process and a fundamental question remains as to why it seems the Minister for Environment and the DoE wish to take this approach?

The legitimacy of this proposed approach, whereby economic implications are given priority above all other implications in the planning process, remains undetermined, as it appears that the current draft of PPS 24 is not compatible with other existing national legal obligations, including the Wildlife (Northern Ireland) Bill 2010, and international obligations, including the EU Habitats Directive and Birds Directive, and existing government policy, including, PPS 1, PPS 2, PPS 4, the Regional Development Strategy and the 2008-2011 Programme for Government.

For example, according to PPS 1, which outlines the general principles of planning in Northern Ireland, the role of planning

*"is to regulate the development and use of land in the public interest"*.

However, the current wording of PPS 24 does not appear to account for this strategic, overarching aim, and is possibly even contrary to it. WWF Northern Ireland believes that the public interest would best be served by balancing a number of potentially competing interests and benefits, not by prioritising economic implications, above all others, especially when the scale of the benefits, for example, in terms of time scale and geographical extent, and the potential negative impacts, may not be made clear.

PPS 1, paragraphs 12, on pages 7 and 8, also states that

*In working towards sustainable development, the Department will aim to:*

- plan for the region's needs for commercial and industrial development, food production, minerals extraction, new homes and other buildings, while respecting environmental objectives;*
- conserve both the archaeological and built heritage and natural resources (including wildlife, landscape, water, soil and air quality), taking particular care to safeguard designations of national and international importance;*
- shape new development patterns in ways which minimise the need to travel;*
- give preference, in the zoning of land, to the development of brownfield sites within built-up areas, before considering the development of greenfield sites, provided that this creates or maintains a good living environment.*
- encourage the use of already developed areas in the most efficient way, while making them more attractive places in which to live and work; and*
- concentrate developments that generate a large number of trips in places well served by public transport*

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(1) <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

PPS 2, Paragraph 13, page 8 also states that

*“In formulating policies and plans and in determining planning applications the Department will be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.”*

The objectives of the revised version of PPS 2, on Planning and Nature Conservation currently the subject of consultation, as stated in paragraph 3, page 10 are:

- *to seek to conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region’s natural heritage;*
- *to promote sustainable development; and*
- *to assist in meeting international, European, national and local responsibilities and obligations for natural heritage.*

PPS 4 on Planning and Economic Growth states on page 3 that

*“Economic growth is considered the Executive’s top strategic priority in its first Programme for Government (PfG), in order to raise the quality of life for the people of Northern Ireland, through increasing economic opportunities for all, on a socially and environmentally sustainable basis.”*

The stated aim of PPS 4 as outlined in paragraph 1.4 on page 3 is

*“to facilitate the economic development needs of the Region in ways consistent with protection of the environment and the principles of sustainable development.”*

The first objective listed in paragraph 3.1 on page 7 of PPS 4 is

*“to promote sustainable economic development in an environmentally sensitive manner;”*

The basic premise of the current draft of PPS 24 to give determinative weight to economic implications alone, seems at odds with existing planning policy, as outlined in the examples given above.

As outlined in paragraph 2.2. on page 12, the spatial strategy of the Executive, the Regional Development Strategy (RDS) ‘Shaping Our Future’ *“has at its heart sustainable development”* and one of its eight aims is to

*“Protect and enhance the environment for its own sake”*

Similarly, one of the five strategic priorities of the 2008-2011 Programme for Government is to

*“Protect and enhance our environment and natural resources”*

The PfG also outlines, on page 2, the Executive’s overarching aim

*“to build a peaceful, fair and prosperous society in Northern Ireland with respect for the rule of law”*

The PfG goes on to state that,

*“we must do this in ways that protect and enhance the physical and natural environment and use resources as efficiently and sustainably as possible.”*

Furthermore, no reference is made to, amongst other things Northern Ireland's established, legally binding national and international nature conservation designations and environmental commitments. The lack of an explicit statement in draft PPS 24 that, for example, all pertinent legal obligations resulting from all national and international designations and commitments must be fully adhered to and complied with, leaves open the possibility that these legal obligations and commitments may not be fully complied with. WWF Northern Ireland would regard the possibility of PPS 24 permitting or enabling non compliance with existing national and international legal obligations and commitments as inappropriate, unacceptable and potentially unlawful. WWF Northern Ireland regards it as totally inappropriate and unacceptable to attempt to relegate environmental, social and public health and safety considerations to a secondary status in planning policy, as this draft appears to do.

The position of the Office of the First Minister and Deputy First Minister (OFMDFM) in relation to the balance between economic development and sustainable development explicitly states<sup>(2)</sup>

*"The development of the Northern Ireland economy is important but it must not be our only consideration. There needs to be a balance between prosperity, people, and our environment.....What this means is that we must ensure that all of our actions take account of their economic, social and environmental consequences"*

The current wording of draft PPS 24 seems to be clearly at odds with this position and also risks non compliance with the statutory duty within the Northern Ireland (Miscellaneous Provisions) Act 2006 that:

*"a public authority must, in exercising its functions, act in a way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland ..."*

Since the wording of PPS 24 means that, for example, it will not ensure the protection or enhancement of our environment, it appears incompatible with the aforementioned priority in the PFG, (to protect and enhance our environment and natural resources), as well as the other strategic duties and policies and national and international obligations and commitments referred to above, and as such is potentially unlawful.

Since the issue is with the proposed prioritisation of economic implications above all other implications, WWF Northern Ireland's concerns with PPS 24 are unlikely to be resolved by any amended wording, as WWF Northern Ireland regards the basic premise of PPS 24, whereby economic considerations be given priority over all other considerations, as unacceptable, not compliant with other strategic government duties and policies and potentially unlawful. Consequently, WWF Northern Ireland recommends that PPS 24 be withdrawn.

Yours faithfully



Malachy Campbell  
Policy Officer WWF Northern Ireland

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(2) See <http://www.ofmdfmi.gov.uk/index/economic-policy/economic-policy-sustainable-development.htm>