

Bridlington Area Action Plan

The three equal dimensions of the NPPF by Colin Seymour

25 May 2012

Proposals for the Harbour and Marina fail to take account of the equal importance of the Economic, Social and Environmental factors involved, as required by the National Planning Policy Framework

1 It was the intention of Parliament that the Framework should give equal importance (and thus equal weight) to the economic, social and environmental dimensions of sustainable development.

2 However, para 7 of the Framework does not include the word “equal” and thus it may be construed by some as being ambiguous : *“There are three dimensions to sustainable development : economic, social and environmental”*.

3 Para 8 continues *“These roles should not be undertaken in isolation, because they are mutually dependent” “Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*. Again, no mention of the word “equal” - but equality of importance is inferred.

4 It was held by the House of Lords that ‘Hansard’ may be used *“as an aid to the construction of legislation which is ambiguous or obscure or the literal meaning leads to absurdity”* (Pepper v Hart (1992)UKHL 3, (1993) AC 593 Lord Brown-Wilkinson at p.22)

5 ‘Hansard’ states that the Environmental Audit Committee reported to the Communities and Local Government Committee on 9 November 2011 with copies to Greg Clark (Minister) and to the Prime Minister re changes needed to the final NPPF. At para 10 the EAC stated ***“We recommend that the CLG Committee press the Government, in producing its revised version of the NPPF, to ensure that there is no potential for confusion about the equal importance of all three aspects of sustainable development. While local authorities ultimately have to consider what constitutes sustainable development in their area (paragraph 38), they need a NPPF which does not push them to regard economic dimension as predominant”*** (these words were highlighted in bold print in the report)

6 This concern of the EAC followed a letter written by the Prime Minister to the National Trust (cited in its report at para 8) where he said *“I believe that sustainable development has environmental and social dimensions as well as an*

economic dimension, and we fully recognise the need for a balance between the three". Thus, the Prime Minister inferred that the three dimensions were of equal weight and importance.

7 'Hansard' for 24 April 2012 col.913 records that the Minister moving the debate about the Framework stated *"Our reforms have three objectives - first, to transfer power to communities ; secondly, to ensure that we support the building of homes that the next generation will need and the jobs that our constituents need now and in the future; and thirdly to ensure that the next generation inherits an environment, natural and historic, that is at least the equal of the environment that we inherited. In my view it should be better than the environment that we inherited. I believe in progress"*

8 The question is thus raised - Can the loss of *"a very important stretch of beach"* (Secretary of State's decision letter 2003) really be seen as ensuring *"that the next generation inherits an environment that is at least the equal of the environment that we inherited"*? I think not. This prime beach is irreplaceable and its loss would remain *"a major adverse impact in its own right"* (Secretary of State's decision letter 2003)

9 An alien looking down from outer space upon that prime beach and historic harbour site would think that we were all mad to contemplate covering that beach in concrete, and building what amounts to tower blocks inside the ancient harbour estate.

10 No reasonable person looking at the AAP and reading the mass of ERYC documents could rightly conclude that equal consideration and weight has been given to the social and environmental aspects of the Plan. They have been summarily dismissed in favour of spurious economic gains.

11 The submission by ERYC dated 14 May 2012 at paras 39-47 emphasises economic growth but fails to give equal weight to social and environmental factors. Indeed, the whole Local Plan stresses the economic advantages and fails to correctly balance these against environmental and social disadvantages. It seems that the Council has pushed itself towards regarding the economic dimension of the NPPF as predominant, in spite of the warning given by the EAC (above) that this could happen if ***"equal importance"*** was not observed.

12 If three dimensions are of equal weight, it requires twice as much of one to equal the combined weight of the other two. Thus, if the social and environmental disadvantages of the Harbour Top and Marina sit together in one pan it requires not one but two equal economic advantages to balance them out. The Plan does not balance the scales to offset the damage that it will cause to the population of Bridlington and to its prime beach, harbour and pier.

13 There is nothing cast in stone in the AAP which gives conclusive assurances

that the social and environmental harm of these policies will be compensated for by proven economic benefits. It seems that the Plan is based on wishful thinking : 'Everything might just happen if it all goes ahead as proposed'. There is no certainty that the proposals will ever get passed the compulsory purchase stage or surmount the listed building and environmental challenges. And there is no certainty that economic regeneration will follow if all these challenges are overcome.

Footnote - I attempted to raise the matter of the "equal weight" of the three dimensions of the NPPF at the Hearing on the 16th May but my intervention was summarily dismissed by both the Inspector and Counsel for ERYC. I remind the Inquiry that this matter will not go away. It remains at the very heart of the AAP and its compliance with the Framework.