NATIONAL BROWNFIELD FORUM

Interactions Between Government Policies Affecting the Planning and Development of Brownfield Land in England

July 2025

CL:AIRE

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National Brownfield Forum

2025

Towards Effective Regeneration

Acknowledging the complex policy landscape, this report builds upon a shared cross-sector commitment to brownfield regeneration by identifying essential actions—including coordinated oversight, risk-based assessments, and aligned resources—to successfully deliver on mutual goals for growth, environmental improvement, and social value.

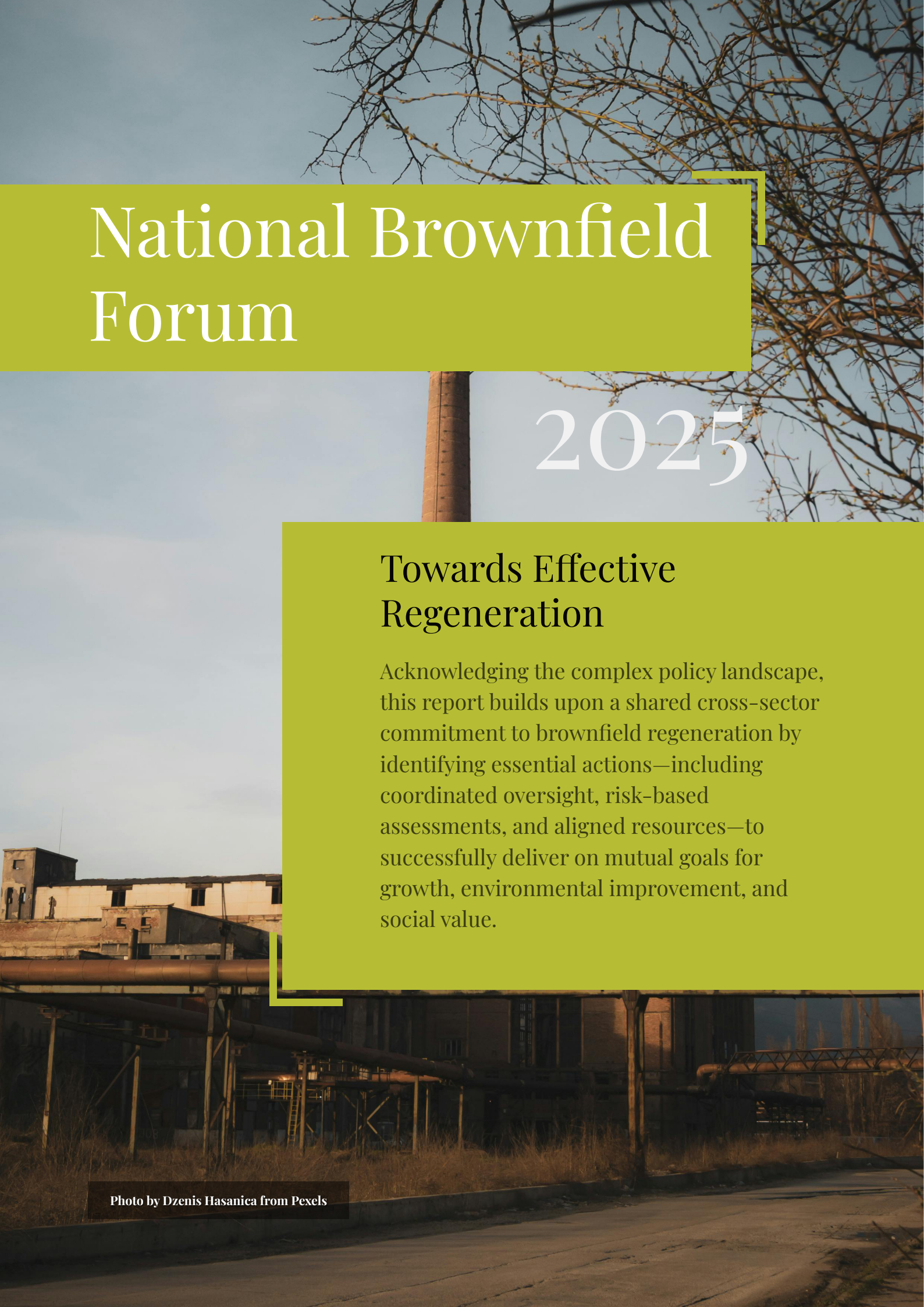

Photo by Dzenis Hasanica from Pexels

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National Brownfield Forum

Acknowledgements

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Disclaimer

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The findings presented in this report are not exhaustive and may not fully reflect all the views and opinions of National Brownfield Forum members due to the time constraints and inevitable limitations on engagement. The findings represent the expertise held by the task and finish group participants, within which there may be gaps in areas of expertise. Notwithstanding these limitations, the authors are confident that the contents of the report are representative of the information collected during the workshops and more generally National Brownfield Forum member experiences of planning and developing brownfield land.

Overview

The National Brownfield Forum all-member task and finish group examined interactions between Government policies designed to **support the sustainable reuse of brownfield land** during the early part of 2025.

Insights

Complex Interactions

Brownfield first is the **central Government policy driver** and while this is simple in principle, its success relies on interactions between a wide range of policies owned by different Government departments.

Regulatory Silos

Government stands a better chance of delivering objectives for planning and developing of brownfield land if it **breaks down regulatory silos** and **enhances collaboration**.

Enhanced Coordination

Regulators and decision makers could enhance coordination on projects to maximise opportunities to **achieve the Government missions** on growth and investment.

Wider Implications

A shared understanding and appreciation of the wider implications of policy interactions and their effect on site viability is essential.

Communication Gaps

Communication between policy owners at an organisational level and regulators at a site level is inconsistent and there is no obvious mechanism for crossover, reducing duplication, interaction, or for deciding which policy should take priority when there is a conflict or an opportunity for synergy.

Policy Conflicts

Some policies are complementary, but it was found that others are competitive and, in some cases, antagonistic which were highlighted as causing long delays or cancellation during planning and development.

Evidence Cards

Evidence cards (Appendix 1) submitted by National Brownfield Forum members on real-world case examples indicate reoccurring issues around the following themes:

Decision-Making Delays

Excessive timeframes associated with decision making which **result in unfeasible increases of project costs and timescales** which is linked to public sector resourcing affecting site viability.

Inconsistent Application of Policy

Inconsistency in how decisions are made which calls for improved engagement with and a **more joined-up approach across policy and regulatory areas** to maximise scheme sustainability.

Technical Skill Gaps

Technical competency and skill concerns of industry and regulators.

Process Duplication & Rigidity

Duplication of effort by site specific assessments and regulatory decisions that don't adopt a risk-based approach but rather **focus on rigid policy implementation**.

Photo by Ollie Craig from Pexels

Calls for Action

Establish Living Evidence Base

Create and maintain a living evidence base on policy interactions and impacts to support the successful delivery of brownfield planning and development. **Evidence should be unbiased, expert, quantitative, and focused on prioritised policy interactions.**

Evaluate Policy Clarity

Evaluate how easily the policy landscape is understood by all stakeholders and whether there is scope for better coordination and communication.

Investigate Improved Governance

Investigate the value of improved governance mechanisms, such as multiagency teams, to address challenges raised around communication, coordination, policy interactions, and in the event of conflict, policy prioritisation.

Extend the Forum's Mandate

Consider extending the work of the National Brownfield Forum task and finish group to help to **support future Government policy, review, development and implementation**.

Explore a Parliamentary Group

Explore the feasibility and potential impact of a new All-Party Parliamentary Group on how to achieve a proactive policy landscape to implement brownfield first.

NATIONAL BROWNFIELD FORUM

Full size infographic:

https://ibb.co/5hYQJvpH

This infographic, based on National Brownfield Forum findings, explores the complex web of over 120 factors impacting brownfield development in England.

British Geological Survey

Navigating the Brownfield Maze

This infographic, based on **National Brownfield Forum findings**, explores the **complex web of over 140 policies** impacting brownfield development in England. Discover how policy conflicts and lack of coordination create significant hurdles for vital regeneration.

LEGEND

1 2 3 4 **Stages** in the brownfield redevelopment process

Bottleneck / Pain Point

Opportunity

STAKEHOLDERS

- GOVERNMENT DEPARTMENTS AND AGENCIES
- NGO GROUPS
- KNOWLEDGE TRANSFER ORGANISATIONS
- LOCAL GOVERNMENT
- RESEARCH ORGANISATIONS
- INDUSTRY AND PUBLIC SECTOR MEMBERSHIP GROUPS

KEY STAKEHOLDERS & SYSTEM CHALLENGES

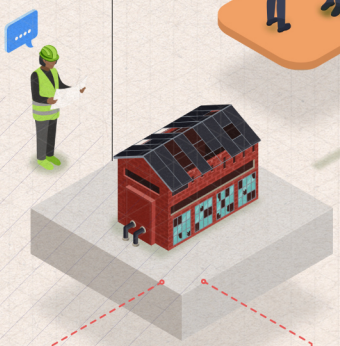
Successful brownfield regeneration depends on diverse stakeholders effectively **navigating the complex policy landscape together**, but they currently face significant challenges due to **siloed working**, **communication**, and **conflicting requirements**.

DELAYS

Separate permits (environmental permitting, Ecology) often **need NEW assessments**, duplicating planning effort.

1 ASSESS SITE & CONSULT

Initial investigations: Land quality, ecology, flood risk, etc. + Pre-planning talks.

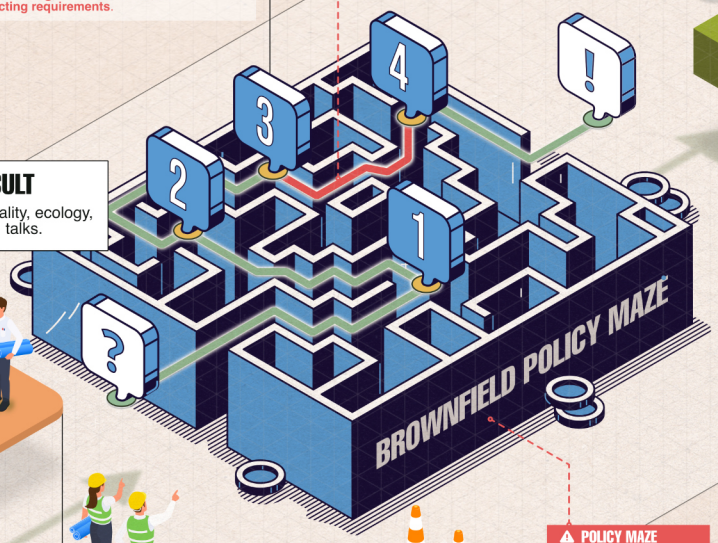


POLICY CHALLENGES

How do we navigate this policy maze? **Better coordination** and understanding **policy interactions** through real-world evidence is crucial.

SOIL REUSE RESTRICTIONS

Waste policies hinder on-site soil reuse (increasing disposal & costs).



2 GAIN PLANNING APPROVAL

Submit application, achieve formal consent.

3 CLEAR CONDITIONS & SECURE PERMITS

Finalise designs, discharge planning conditions.

CLASHING PRIORITIES

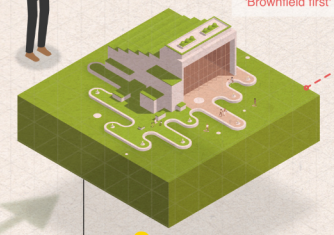
Policies are often developed in silos. And there is **no clear mechanism to prioritise when policies clash**. e.g., Remediating Pollution vs. Habitat Protection

PERMITTING BOTTLENECK

This stage often involves **delays and duplicated effort** due to separate permitting processes (EPR, Ecology) requiring new assessments distinct from planning.

IMPACT

Policy conflicts & complexity can **significantly delay vital housing** and **infrastructure** on brownfield land, hindering 'Brownfield first' goals.



4 START DEVELOPMENT

Start site remediation and construction

POLICY MAZE

Over **140 policies** impact brownfield reuse!

MAJOR ROADBLOCKS

Major blockage can occur due the **large range of policies** and **how they interact** like Biodiversity Net Gain (BNG), Nutrient Neutrality, Waste Definition/Soils, and Permitting (EPR) that significantly slow down projects.

WIDESPREAD SUPPORT

Strong consensus exists to improve the process.

FAST TRACK DECISION MAKING BY REGULATORS

Improved coordinatation between policy owners, regulators and wider stakeholders can support effective project delivery.

POLICY INTERACTION

17-06-25
Illustrations by macrovector on Freepik

KEY POLICY CHALLENGES

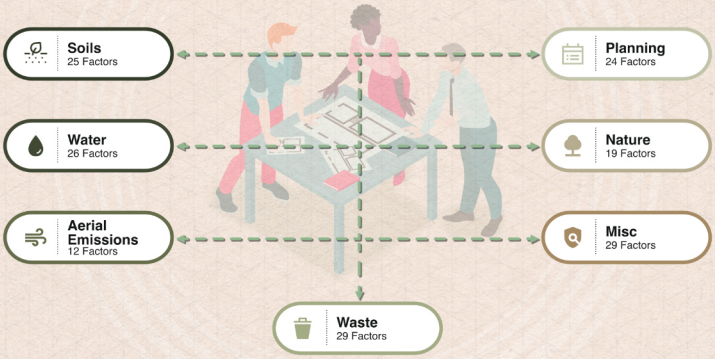
Policy Complexity & Bottlenecks: A vast number of interacting policies create confusion and slow decision-making speed.

Conflicting Priorities: Policies often clash (e.g., biodiversity net gain vs. Waste Rules) with no clear guidance on which takes precedence.

Poor Communication: Low level of coordinatation between policy owners, regulators and wider stakeholders.

Permitting Delays: Separate permitting processes often cause significant hold-ups after planning approval.

Skills Demand: Successfully navigating this complex system requires high levels of regulator and practitioner expertise.



Introduction

What is the National Brownfield Forum?

The National Brownfield Forum[1] is a membership group promoting the sustainable reuse of land. The National Brownfield Forum was established in 2011 by the Department for Communities and Local Government, now the Ministry of Housing, Communities and Local Government (MHCLG). It has broad representation across Government departments, regulatory agencies, industry groups, and research organisations. The National Brownfield Forum meets three times per year and publishes all of its meeting notes via the secretariat's (CL:AIRE) website[1].

What is the task and finish group?

In January 2025, the National Brownfield Forum set up a task and finish group open to all its members to examine interactions between policies designed to support sustainable brownfield land development. Three workshops facilitated by the National Brownfield Forum chair, incoming chair and secretariat representative were hosted online between January and March 2025. The initial focus of the group was on policy interaction in England, but findings are also relevant to other countries. The terms of reference for the task and finish group are available on the CL:AIRE website[1].

The task and finish group workshops were attended by around 20 participants representing the following stakeholders **(Appendix 2)**:

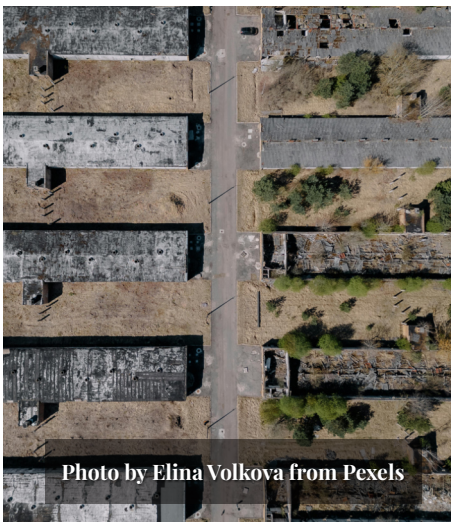


Photo by Elina Volkova from Pexels

- **Government departments and agencies**
- **Local authorities**
- **Knowledge transfer organisations**
- **Membership non-Government organisations representing industry and the public sector**
- **Research organisations**

[1] https://claire.co.uk/projects-and-initiatives/land-forum
[2] https://www.gov.uk/government/publications/national-planning-policy-framework--2
[3] https://sig.urbanismosevilla.org/sevilla.art/sevlab/m004UEb_files/m004_UE.pdf

Definition of brownfield land

Brownfields are referred to as previously developed land in the National Planning Policy Framework (NPPF) 2024[2] and are defined as "land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed." There are some exceptions, these are explained in the NPPF. Brownfield land is commonly adversely impacted by its previous land use including contamination or land stability hazards which can sometimes render the location derelict or underutilised[3].

Photo by Altaf Shah from Pexels

What was the motivation for the task and finish group?

The UK Government's Plan for Change is underpinned by six missions and associated milestones[4].

The most relevant to the planning and redevelopment of brownfield land are **"Strong Foundations"** (milestone: economic stability) and **"Kick Starting Economic Growth"** (milestone: rebuilding Britain).

The rebuilding Britain milestone is underpinned by a target of **"building 1.5 million homes in England and fast-tracking planning decisions on at least 150 major economic infrastructure projects"**. Central to this and at the top of the Government's hierarchy for site selection is the commitment to a **"brownfield first"** approach to development[5].

"Barriers to expedient and cost-effective development are complex and interdependent, including **a lack of consistency in regulatory approaches** to excavated soils and waste management, land contamination, environmental permitting, and land use planning regimes"

Highlight #2 from the National Brownfield Forum Sector Review 2023/24[1]

[4] https://www.gov.uk/missions

[5] https://www.gov.uk/government/news/thousands-of-new-homes-to-be-built-as-government-unlocks-brownfield-sites

The task and finish group research was delivered during a period of planning and policy reform with regards to land use planning and protection and enhancement of the environment. At a high level, key elements of this reform include the following Government reviews and consultations:

- A review of environmental regulation by Dan Corry for the Department for Environment, Food and Rural Affairs (DEFRA)
- Proposals for a land use framework which acknowledges the wide ranging impact and value of multifunctional land use
- Approaches to singling out brownfield through the underpinning brownfield first approach to development including brownfield passports and grey belt
- Planning reform including the Planning and Infrastructure Bill
- Environmental permitting standard rules, waste exemptions and cost recovery
- Biodiversity net gain for large scale nationally significant infrastructure but also its value and utility for small sites

Whilst these consultations were not specifically accounted for in this research, the authors and task and finish group participants designed it with its members to be supportive of existing policy, these consultations and forthcoming changes in policy.

Definition of policy

A policy is a statement or set of rules written down by an authoritative body, usually Government, that places requirements on an organisation or individual that need to be achieved. A policy could be a legislative, statutory or non-statuary guidance, a rule, target, or ambition.

Policy review

Task and finish group participants identified policies and related factors that they felt directly interacted with brownfield planning and development in England. For each policy area participants were also asked to identify the policy owner and the source of the policy.

Brownfield first is the central policy driver and while this is simple in principle its **success relies on interactions between a wide range of policies** owned by different Government departments.

Over 120 individual factors were identified and considered to directly interact with and influence planning and development of brownfield land. There was surprise expressed by participants that there were so many. Some of these factors were policies, other were issues which had arisen but had not been directly linked to a policy. The original workshop graphic output and an associated summary table showing all contributions are shown in **Appendix 3** with a summary presented in **Figure 1**.

The factors identified were grouped into seven clusters (planning, waste, water, soils, nature, aerial emissions, and miscellaneous). While many contributions were sufficiently detailed, some were quite generic and require further research to define the exact policy wording and source.

The activity by no means provided an exhaustive list of all policies or legislation that interact and influence decisions around brownfield planning and development but it did represent a wide range of key factors that participants were able to identify in the allotted time using their area of expertise.

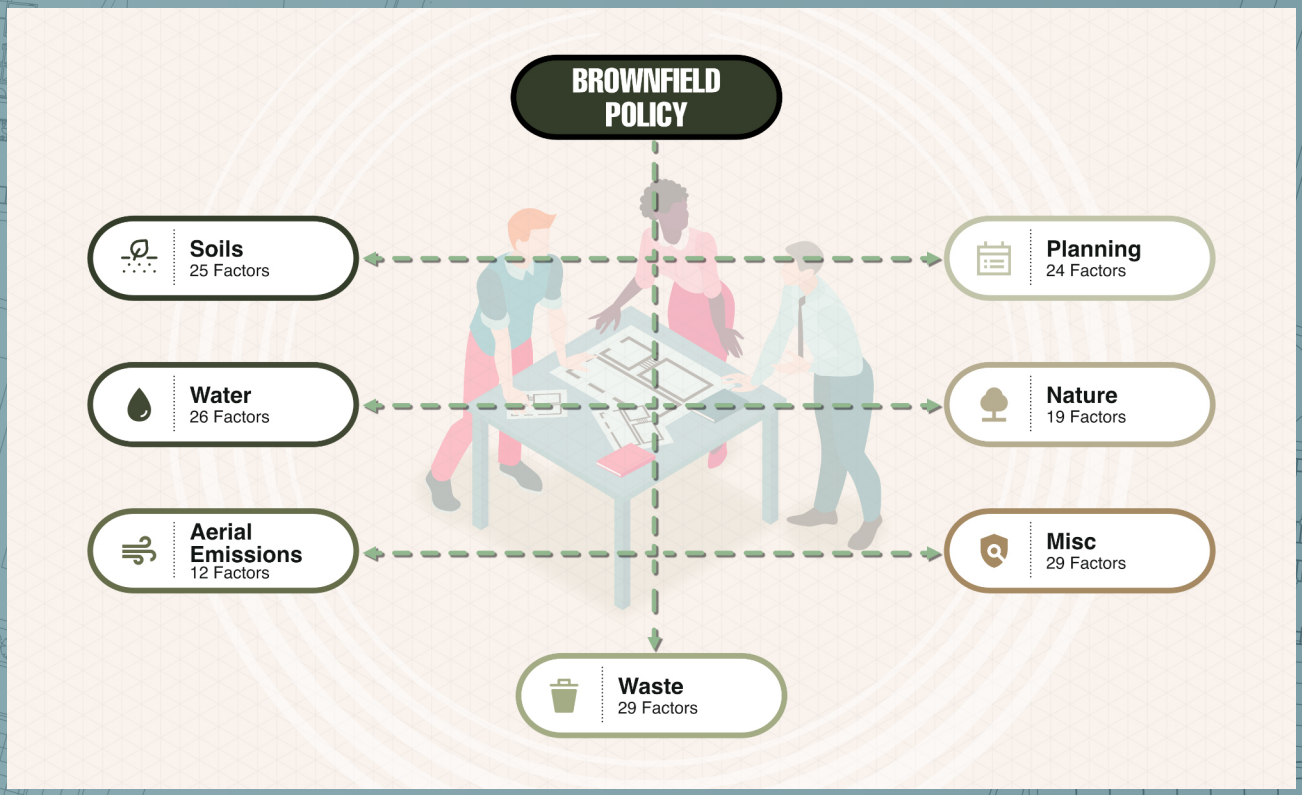
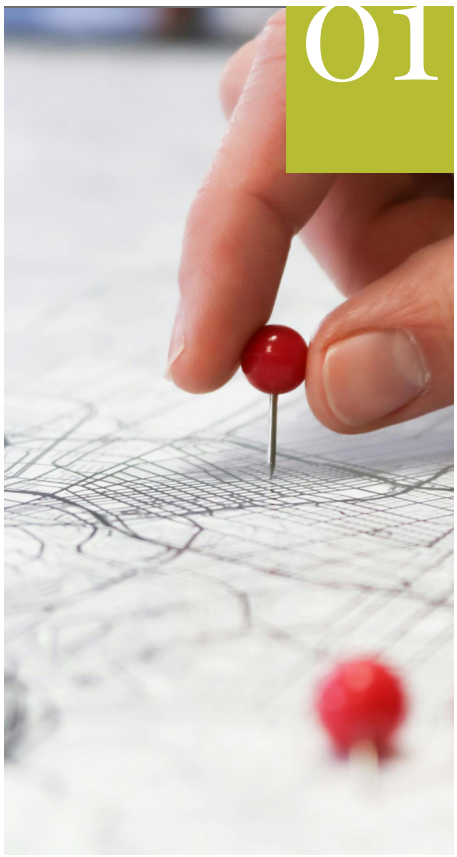


Figure 1 Summary of factors that directly interact with and influence the planning and development of brownfield land

Policy Clusters



01 Planning

Twenty-four policy areas were identified under the planning cluster. Most of these policies are owned by MHCLG with many relating to the NPPF.

Several new and emerging policies were identified e.g. brownfield passport, grey belt, brownfield first, and new towns. Strategic planning policies were included such as Nationally Significant Infrastructure Projects, Local Plans, and Strategic Housing Land Availability Assessments. The review also identified a range of site-specific factors including land contamination, land stability, odour assessment, coal mining, noise, piling and drilling constraints, waste management, and highway safety.

02

Waste

Twenty-nine policy areas were identified in the waste cluster which link principally to the waste and environmental permitting regimes owned by DEFRA. Some of these were reoccurring themes with water and soil, particularly where activities linked to the remediation of contamination and land stability risks on brownfield sites.

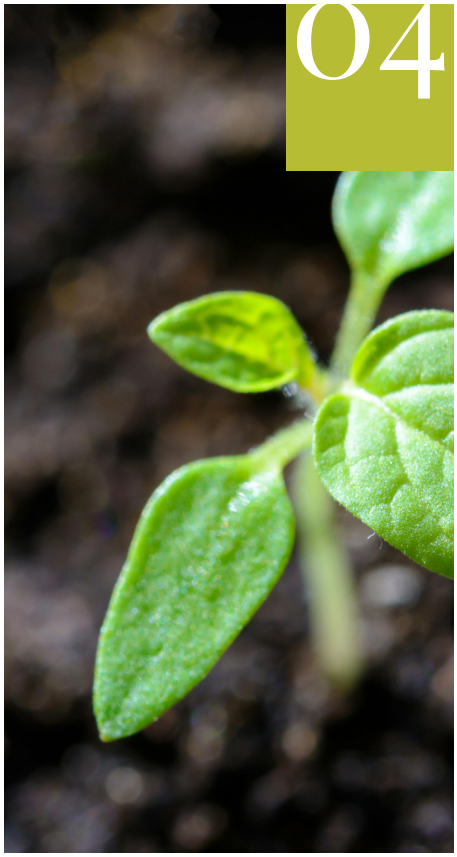
Other broader areas identified included the circular economy, financial incentives such as remediation tax relief and landfill tax, and wider Government waste strategies such as the waste hierarchy.

03

Water

Twenty-six policy areas were identified under the water cluster relating to groundwater (abstraction, quality, discharge), surface water (abstraction and discharge), discharge to sewerage, waste management and emerging contaminants such as per- and polyfluoroalkyl substances (PFAS). Again, the main policy owner was DEFRA.

The wider themes identified in the water cluster ranged from strategic protection of water resources through policies and specific legislation but also site-based environment protection such as sustainable drainage systems and environmental permitting during contamination and land stability remediation and / or development.



04

Soils

Twenty-five policy areas were identified under the soil cluster, most of which related to soil quality with regards to chemical contamination. The main policy owner in this theme was DEFRA.

Policy themes included requirements linked to site-specific management of flood risk, definition of waste, materials management, sustainability as well as more strategic challenges such as the circular economy and preventing pollution and harm.

05

Nature

Nineteen policies areas were identified that linked to nature, mostly owned by DEFRA and MHCLG. Some key areas of legislation governing landscape, habitat, and species protection were identified in addition to planning based policies such as biodiversity net gain or wider ecosystem services. Government targets with an indirect link to brownfield planning and development were also included e.g. woodland area and habitat restoration.

It should be noted that most of the participants were not specialists in this area of environmental policy, which may have influenced what was identified in the nature cluster.

06

Aerial emissions

Twelve policy areas were identified which related to air quality, aerial emissions from land, and climate.

Policies and factors highlighted included risks associated with ground gases and vapours arising from land quality but also emissions caused during remediation activities. Ground gas and vapours could equally have also fallen under the soil section given the role soil plays as either a source, pathway or receptor for such emissions.

07

Miscellaneous

The miscellaneous section included twenty-nine policies and factors that participants linked with brownfield planning and development. Some of these, such as sustainability, circular economy, climate change, REACH (registration, evaluation, authorisation and restriction of chemicals), and PFAS as emerging and current contaminants of concern were duplicated in other clusters. Some, such as corporate social responsibility, green public procurement social values, and future contaminants of concern were unique to this cluster.

Government stands **a better chance of delivering its objectives for planning and developing of brownfield land** if it breaks down regulatory silos and enhances collaboration.

Policy interactions

Task and finish group participants discussed the interactions between policies affecting brownfield planning and development. The focus of the conversation was on brownfield land being brought forward for development through the land use planning system.

A key challenge facing planning and development of brownfield land is that whilst the planning system is the mechanism that governs the land use and ensures a safe and suitable development, other regimes influence planning decisions and govern their practical implementation. These include environmental permitting, nature and biodiversity conservation, and the management of waste and water. The interactions between the various regimes result in a planning and development maze with many dependencies and interactions with no clear line of sight through them (**Figure 2**).

The stages to gaining and implementing planning consent under the land use planning regime are: 1) pre planning consultation; 2) conditional approval; 3) discharge of conditions; and 4) commence / complete development (**Figure 2**).

Regulators and decision makers could enhance coordination on projects to maximise opportunities **to achieve the Government missions on growth and investment.**

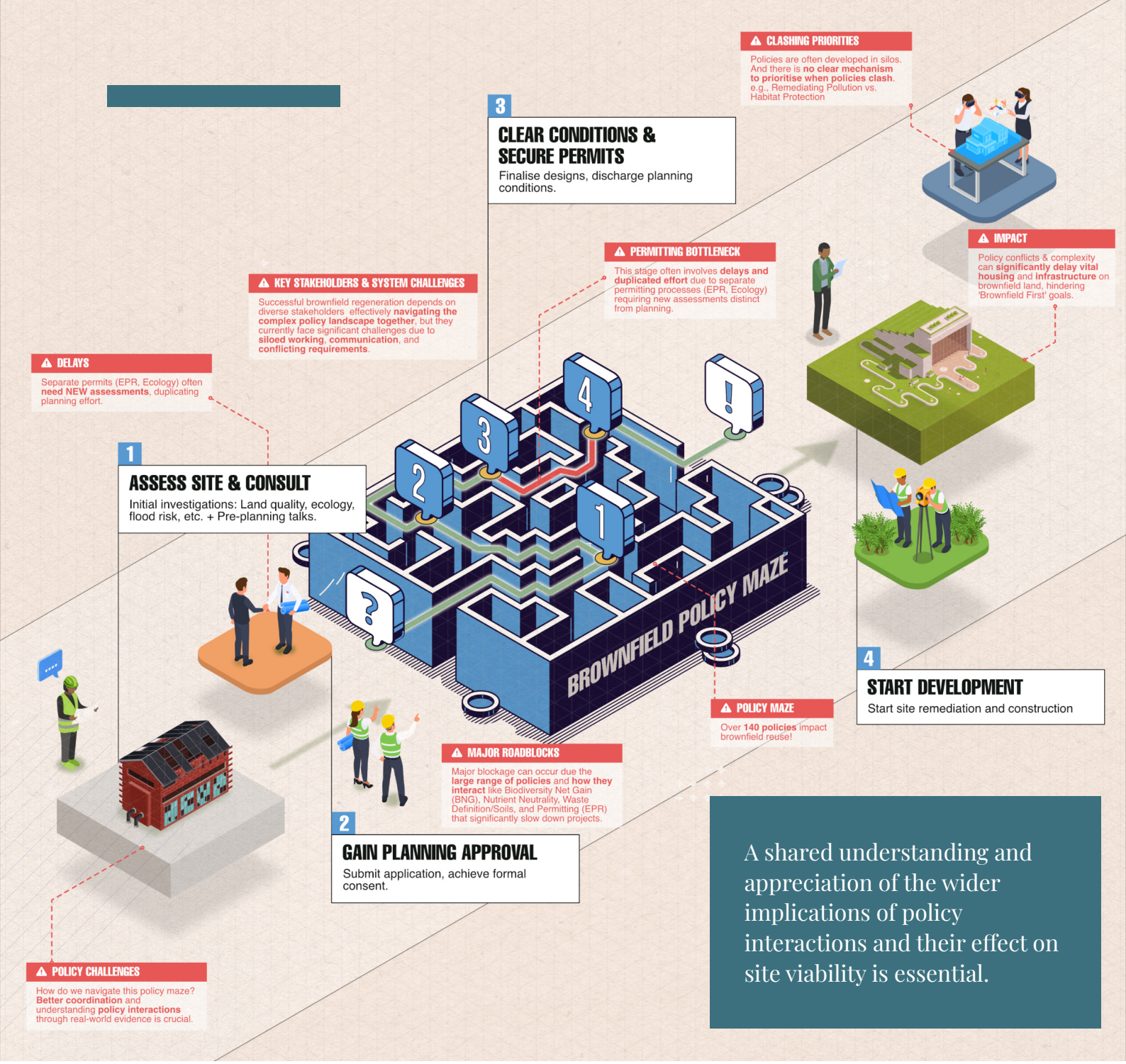


Figure 2 Planning decision points for brownfield development and associated challenges

Once planning permission is granted, applicants must discharge a range of planning conditions, submit additional plans and reports, and obtain and manage licences and permits as part of the actual implementation of a development scheme.

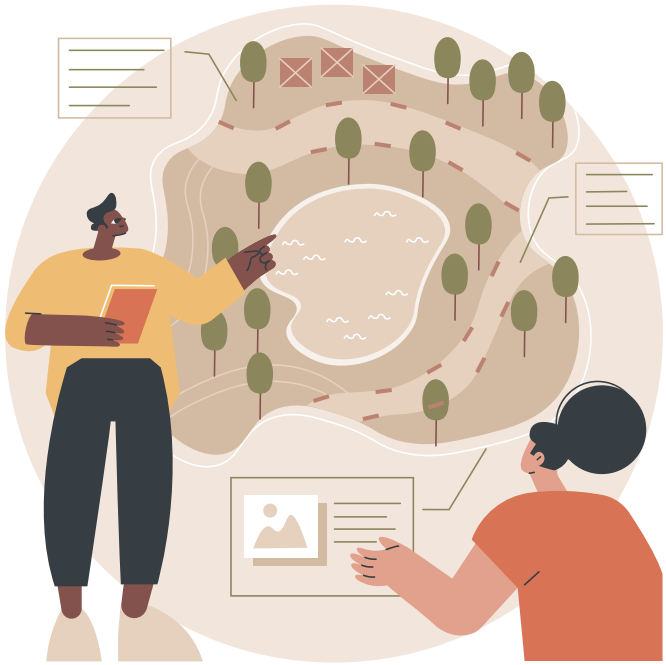
The original workshop graphic output on policy interactions is presented in Appendix 4 which illustrates the complexity of policy interactions for a single policy example on sustainable drainage systems. The complexity shown in these diagrams raises several challenges for both the public and private sector including: delivery timescales, allocation of funding, duplication of effort, conflicting obligations and

Priority Policy Areas

Task and finish group participants prioritised which policies have the greatest potential to positively or negatively affect the planning and development of brownfield sites. The workshop output is shown in **Appendix 5** with policies with the most votes summarised in **Figure 3**. Where policies were duplicated across cluster areas e.g. environmental permitting, a new cluster called 'cross-cutting' has been allocated for the purpose of this report.

Communication between policy owners and regulators is inconsistent and **there is no mechanism for crossover**, reducing duplication, interaction, or for deciding which policy should take priority when there is a conflict or an opportunity for synergy.

The workshop activity was focused on voting on specific policies identified during the earlier policy review activity, but the discussion also revealed several cross-cutting themes associated with planning and development decision making. These include delays, inconsistent interactions between different regimes, poor communication by and between stakeholders, variable practitioner and regulator skills, an unawareness of contradiction or duplications in effort, and how / when some policies should be prioritised over others.



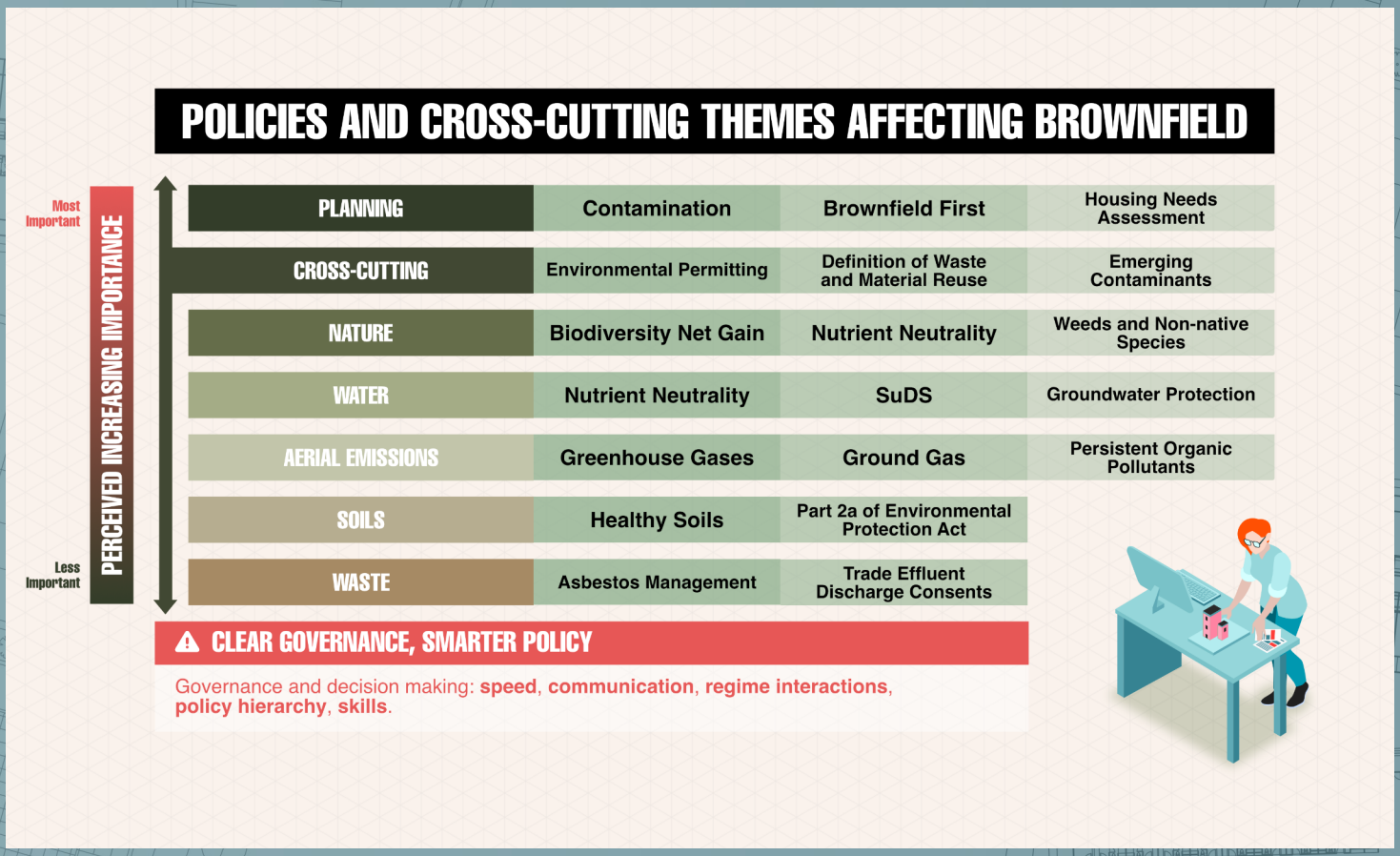


Figure 3 Policy prioritisation based on top three from each cluster

Prioritising policies

Prioritising policies during decision making was raised as a critical challenge because of the wide range of objectives associated with different topics (Appendix 4). In many cases these are complementary but in others they are antagonistic. Some examples of potentially divergent policy objectives include:

Reuse of soil:

Provision of ecosystem services including recreation, nature and biodiversity; increases sustainability and supports circular economy.Soil can also be a contaminant source posing possible risks to human and environmental health, or it can be defined as a waste material which may then restrict options for reuse.

Historic landfills:

While not necessarily classed as brownfield land under the NPPF, historic landfills do often present significant development opportunities. Ensuring their development route complies with planning, environmental permitting and waste management regimes can be very challanging. There is often no clear pathway to their redevelopment.

Biodiversity:

Brownfield land can support rich and diverse habitats on poor quality soil. Where sites require remediation of soil and/ or groundwater contamination and site viability is already marginal achieving biodiversity net gain can be challenging, leading to sites being passed over due to concerns around site viability.

Drainage:

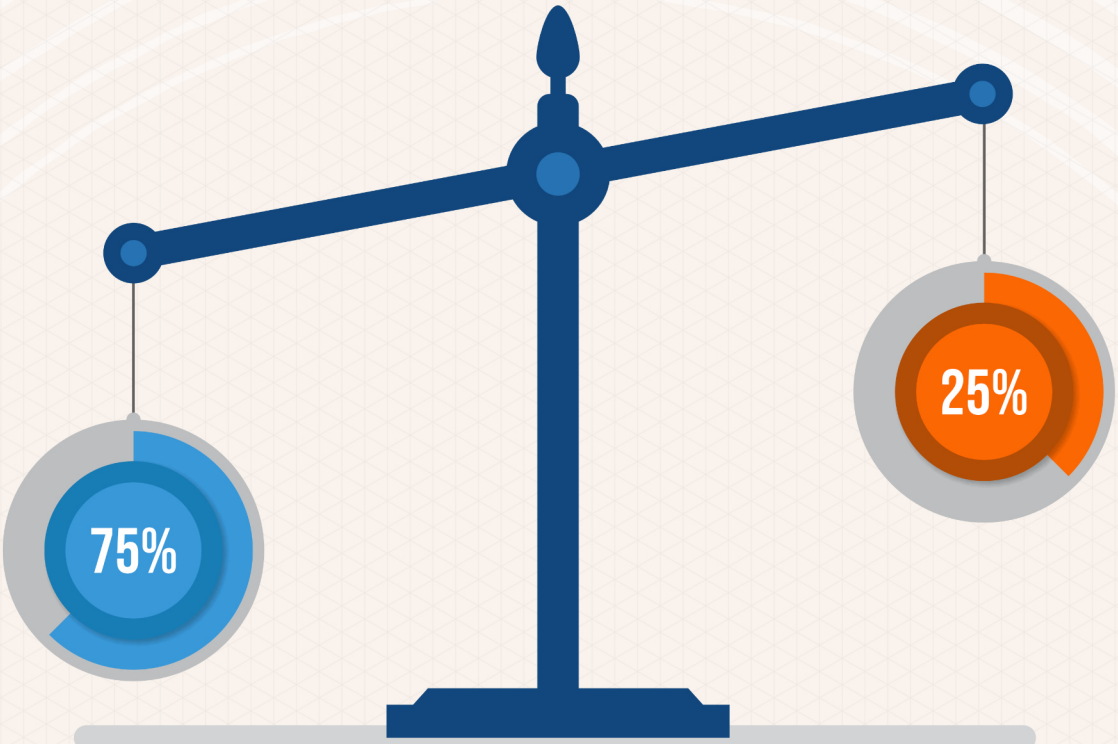
Infiltration sustainable drainage schemes provide multifunctional land uses which can be jeopardised when soils are heavily contaminated or where soils are considered to be waste.

Much discussion during the workshop on policy interactions was around how to approach situations where policies are antagonistic or delaying and cancelling development. The concept of policy top trumps was raised as an analogy to this challenging situation, which was experienced by participants during many planning and development scenarios (**Figure 4**).

Figure 4 →
Policy top trumps concept

Brownfield Policy 'Top Trumps'

Applying all policies separately and discretely is like 'policy top trumps'.
Which has priority and who decides this?



75%

25%

POLICY

RATING 75

BIODIVERSITY NET GAIN (BNG)

KEY OBJECTIVE

To ensure development leaves biodiversity in a measurably better state than before.

POTENTIAL CONFLICTS

- Contamination Remediation
- Site Viability
- Waste Rules/Soil Reuse

IMPACT SCORE

- *Delay Potential:* HIGH
- *Cost Impact:* MEDIUM-HIGH
- *Viability Risk:* MEDIUM-HIGH

KEY REGULATOR/OWNER:

Defra / Natural England / Local Planning Authority (LPA)

VS

POLICY

RATING 85

REMEDIATION OF POLLUTION

KEY OBJECTIVE

Deliver risk based remediation to tackle pollution and deliver a safe and suitable development.

POTENTIAL CONFLICTS

- Brownfield First / Circular Economy
- Development viability
- Development Timelines

IMPACT SCORE

- *Delay Potential:* MEDIUM-HIGH
- *Cost Impact:* HIGH
- *Viability Risk:* MEDIUM

KEY REGULATOR/OWNER:

Environment Agency (EA) / Defra

Evidence

A call for 'evidence cards' from National Brownfield Forum members was made between April and May 2025. Members were provided with some background to the task and finish group, a template and a worked example to facilitate the activity. The intention of the evidence cards was to provide real-world examples of policy interactions and their impact. The twenty-eight evidence cards submitted are summarised in **Appendix 1** and available to download as anonymised submissions on the CL:AIRE website[1].

> Some policies are complementary, **but it was found that others are competitive and, in some cases, antagonistic** which were highlighted as causing long delays or cancellation during planning and development.

Evidence cards

The twenty-eight evidence cards indicate reoccurring issues around the following themes:

01

Duplication of effort and decisions that are not driven by risk but rather policy implementation and interactions:

Most of the examples were in relation to soil reuse and the definition of waste on all sites, but with specific reference to historic landfills. Key issues were the type of permit available and the process for securing a permit. There were challenges raised around how planning and permitting interact especially with regards to the risk-based approach to land contamination. The delivery of agreed remediation options commonly relies on an environmental permit and / or other scheme consents. At this stage the risk-based approach under planning appears to be replaced by the hazard-based approach, especially in relation to the definition of waste, classification, and management.

"The use of licensing for specific tasks on a site is often a duplication where planning conditions and the permission itself required the justification for loss of habitat to be made, then NE [Natural England] require the same evidence re-presenting for assessment." **Evidence card 21**

Excessive timeframes associated with decision making which affect financial viability and project timescales:

02

Consultants and contractors expressed frustrations with regulatory engagement during the environmental permitting process. While there seems to be a shared understanding around the need for and the requirements of permits, direct access to permitting officers is limited which is compounded by referrals of cases to the permitting enhanced pre-application advice service. This was seen to limit pragmatism in decision making. There were examples cited where officers engaging on cases, which include permitting and land quality requirements, appeared to not possess specialist understanding of land quality risk assessment and remediation under Land Contamination Risk Management (LCRM)[6] guidance (see point #1). This may be, in part, due to limitations of the types of permit available and how to account for site-specific solutions for sustainable remediation. Instead, the *status quo* appears to be that multiple permits are required which are all dealt with by separate teams and separate applications.

"The site has planning for 180 homes and the original developer has gone into liquidation as a result [of delays in permitting]. The new developer/owner cannot secure a permit and the site is stalled. The site has been sat ready to go for nearly 3 years." **Evidence card 25**

6 https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm

03

Need for improved pragmatic and collaborative interactions between policy areas:

In addition to the narratives in points #1 and 2 with regard to communication and engagement there is a need to focus on outcome rather than process. Evidence cards highlighted opportunities to improve cohesion between remediation options which require permits and the delivery of sustainable solutions (reusing soils, reusing groundwater, energy consumption) which link to cross-cutting policies including circular economy and climate change.

"A brownfield developer who has significant experience of bringing forward complicated sites for remediation has changed its direction to focus on greenfield or more simple brownfield sites ...they see the regulatory framework in relation to waste as too uncertain and likely to impact timescales to a point where sites are non-viable." ***Evidence card 27***

Competency concerns of industry & regulators:

Land quality assessments are complex, and it is essential these are undertaken and reviewed by competent persons. Risk-based land quality assessments are set in the context of wider environmental protection and enhancement as part of planning and development activities supported by the planning system. There seems to be a pressing need for knowledge exchange between industry and regulators to facilitate greater listening, learning, and sharing to facilitate improvements in communication, engagement, and skills development.

04

"The CLO was unable to refuse the submissions as they were from a 'competent person' as per the NPPF, however it was clear that this consultant was out of their depth with the nature of work required." ***Evidence card 12***

"Environmental consultants routinely submit contaminated land information which does not sufficiently address land contamination issues at the initial planning application stage and when discharging conditions."
Evidence card 16

Round up

There is a shared consensus on the importance of brownfield land in growth, investment and environmental improvement with a strong commitment across the participants to work together to deliver this. The following includes some take-home points observed during the task and finish group activities by the authors of this report. These are not recommendations but rather points for further consideration informed by the evidence gathered during the workshops and review of the evidence cards submitted to the National Brownfield Forum.

A complex situation

A large range of policies and their interactions was considered using a real-world sustainable drainage example which is summarised in **Appendix 4**. The diagrams are based on real decisions made at a post-industrial site in Yorkshire and illustrate the complexity of policy interactions and outcomes for preferred and alternative drainage interventions. The complexity of the policy landscape is further supported by the wide range of factors identified during the policy review task (**Appendix 3**). Further research using a systems thinking approach would enable a more detailed evaluation of causal relationships, flows and impact. Systems thinking can help with understanding and articulating complexity by modelling scenarios to optimise policy interactions and decision making[7].

Policy coordination and better communication

It is essential that all policies applied to a development project include high level oversight and coordination to ensure a joined-up approach and consensus building[8]. This could be supported at a site level by a Suitably Qualified Person or similar representative[9]. In each case the role could be shared by project teams to fulfil the requirements standard of a 'competent person' under the NPPF. This was discussed during task and finish group workshops with regard to the idea of multi-disciplinary public/private sector teams to overcome challenges around communication[10] and siloed working between regulated regimes, focusing on outcomes-led policy.

Timeframes need to align with viability and finance

One of the key limitations identified for progressing a brownfield site is the timeframe for engagement, planning and associated implementation of permission to develop. There are critical interactions between planning regulations and environmental permitting and an apparent absence of policy alignment between the two regimes. The impact of this is a significant increase in delivery timeframes after planning consent is granted which affects the viability of the scheme in terms of both time and money. The impact of long timescales can sometimes be that schemes are significantly delayed and/or in some case not developed. As with communication challenges, multiagency groups such as design teams set up for strategic development by Homes England or regulatory sandboxes reform could be explored further.

[7] https://doi.org/10.1016/j.jclepro.2025.145655
[8] https://www.gov.uk/government/publications/delivering-economic-growth-and-nature-recovery-an-independent-review-of-defras-regulatory-landscape/an-independent-review-of-defras-regulatory-landscape-foreword-and-executive-summary
[9] https://claire.co.uk/projects-and-initiatives/nqms
[10] https://www.gov.uk/government/collections/building-healthy-places




Duplication of effort during risk-based decision making

Policy interactions during planning and development of brownfield land results in duplication of technical site-specific assessments. This seems to be particularly relevant to assessments produced as part of the planning application process but are then required once permission is granted by different regulatory regimes. Current policy requirements, most likely unintentionally, result in the same kind of assessment to be submitted in multiple different formats even though the underlying outcome objective is the same i.e. environmental protection and enhancement. Using the National Quality Mark Scheme[8], or similar competence-based approach for environmental assessments of land could help to ensure that experienced and qualified professionals are developing and reviewing the reports for different regulatory requirements. This could help mature decision making to a right first time approach to planning and development of brownfield land, avoiding duplication of resources.

Pre-planning engagement needs to consider the whole scheme

Delivery of brownfield sites links to multiple policy and legislative regimes. This is a complex landscape with interdependent decisions. These should be brought together at the pre-planning stage to provide a clear way forward which will help to reduce uncertainties in the viability assessments (due to any of the regimes) before planning consent is approved. Design and landscape thinking approaches for strategic development plans and programmes like those used for city scale and long-term regeneration by Homes England[9] could provide helpful templates for the site specific challenges this research has focused on.

Resource allocation must match the commitment

Overcoming the policy interaction challenges identified by participants and the evidence cards needs to be suitably resourced by both the public and private sector. Resources do include funding, which is critical for effective regulation, but also work priorities, the desire to understand the site specific complexity, and communication including working together to provide lasting solutions. Acknowledging that funding resources are limited for regulators, consideration should be given to possible resource options available in the private sector that could support delivery. This is a role that could be met by a Suitably Qualified Person or similar scheme representative.

Charging for pre-application consultation is an increasingly popular method of addressing the resourcing shortage faced by regulators. While in principle this is a valuable service it is currently limited in what it can be used for and how it can be used, there are mixed experiences, and this approach is not guaranteed to avoid duplication or inconsistency at a later stage as it does not address the multi policy / legislative landscape. It is expected that the present inclusion of the cost recovery model in Government consultations provides a vehicle by which to make improvements.

Concluding remarks

This report was written at a time when both the public and private sector are enthusiastic to deliver new homes and infrastructure on brownfield land through a proactive policy landscape. The underpinning policies, while complex and highly interactive, individually support the key aspects of sustainability and influence site viability. The challenges identified during this research present opportunities on how policies interact in a timely manner to facilitate the planning and development of brownfield land. The authors hope that the synthesis of views held by the task and finish group participants presented in this report provide a useful contribution to readers during the current era of planning and environmental policy reform.


POLICY
BIODIVERSITY NET GAIN (BNG)
KEY OBJECTIVE
To ensure development leaves bio
in a measurably better state than
POTENTIAL CONFLICTS
• Contamination Remediation
• Site Viability
• Waste Rules/Soil Reuse
IMPACT SCORE
• Delay Potential: HIGH
• Cost Impact: MEDIUM-HI
• Viability Risk: MEDIUM-HI
KEY REGULATOR/OWNER:
Defra / Natural England / Loca
Authority (LPA)
POLICY
REMEDIATION OF POL
KEY OBJECTIVE
Deliver risk based rem
pollution and deliver a
development.
POTENTIAL CONFLICTS
• Brownfield First / C
• Development viab
• Development Tim
IMPACT SCORE
• Delay Potential:
• Cost Impact:
• Viability Risk:
KEY REGULATOR/OWN
Environment Age
POLICY
ENVIRONMENTAL PER
KEY OBJECTIVE
To regulate activities th
environment (air, land
POTENTIAL CONFLICTS
• Planning Process
• Multiple Regimes
• Groundwater Prot
IMPACT SCORE
• Delay Potential:
• Cost Impact:
• Viability Risk:
KEY REGULATOR/OWNE
Environment Agen
POLICY
NUTRIENT NEUTRALITY
KEY OBJECTIVE
To ensure new developments do n
increase nutrient loads in sensitive
catchments, preventing harm to h
POTENTIAL CONFLICTS
• Housing Delivery
• Site Viability / Planning Timeli
• Interaction with BNG/SuDS
IMPACT SCORE
• Delay Potential: VERY HIGH
• Cost Impact: HIGH
• Viability Risk: HIGH
KEY REGULATOR/OWNER:
Defra / Natural England / Loca
Authority (LPA)
POLICY
SUSTAINABLE DRAINAGE SYSTEMS
RATING 60
KEY OBJECTIVE
To manage surface water runoff sustainably,
reducing flood risk, improving water quality,
and providing amenity/biodiversity benefits.
POTENTIAL CONFLICTS
• Contaminated Land
• Site Layout & Viability
• Groundwater Protection
IMPACT SCORE
• Delay Potential: MEDIUM
• Cost Impact: MEDIUM
• Viability Risk: LOW-MEDIUM
KEY REGULATOR/OWNER:
Defra / Environment Agency (EA) / Lead Local
Flood Authority (LLFA) / LPA

Appendix 1: Evidence Cards

Complete anonymised evidence cards are available to download from the CL:AIRE website.

Card number	Title	Problem statement	Policy user groups	Policy interactions	Impacts
1	Development delays and additional costs due to conflict between groundwater policies for abstraction, treatment and discharge of groundwater	Lack of joined-up thinking between planning, environmental permitting for mobile plant, groundwater abstraction licencing and discharge consents.	Developer (commercial), remediation/enabling subcontractor, regulator, local trades, new business occupants and suppliers.	Planning requirements, groundwater remediation, abstraction licencing, discharge consents.	Delay Increased risks to environment
2	Development delays and additional costs due to policies regarding a stockpile of soil	Stockpiled materials from historical activities are being determined as waste on development sites. This removes the potential to re-use suitable materials quickly and effectively for the development purposes using industry best practice (under CL:AIRE Definition of Waste Code of Practice).	Developer (housing), remediation/enabling subcontractor, regulator, local trades, future new home owners.	Soil, waste, Definition of Waste Code of Practice	Delay Viability / excessive costs

3	Surface water management on a construction site	Developer & Contractor required to apply for a discharge permit for managing surface water during the construction phase. Planning consent has been approved as have all drainage options, but the Environment Agency (EA) consider surface water management on a construction site to be trade effluent. The requirement for a permit is not captured /covered in planning consultation. This is a separate permit that is required (largely as a response to silt pollution from construction activities).	Developer, contractor, Regulator	Planning, discharge consent	Delay Viability / excessive costs on generic & unnecessary chemical testing of rain water.
4	Historic landfill and strategic expansion (part Government funded)	Closed landfill, regulated under a waste management license needs earthworks to stabilise land form and support commercial development. Earthworks required to be permitted but old dilute and disperse co disposal landfill can not be updated to meet Landfill Directive obligations - generic advice from the EA, over an excessive timeframe is not helping to find a solution but they also will not support the solution put forward by the project team. No proactive engagement.	Commercial developers, remediation contractors, Local Authority, Environment Agency, Land Agent, permit holder, funding consortium	Planning , environmental permitting, waste classification	Delay Risk of no development

5	Deposit for Recovery permitting of previously permitted landfills	Managing the sustainable reuse of soils from historic landfills, where the permit has been surrendered. Planning condition required reuse via an MMP, this was done and condition discharged. EA became involved under illegal deposit of waste and required a retrospective application to be made for a deposit for recovery permit.	Developer, remediation/enabling subcontractor, regulators, future new home owners.	Planning , environmental permitting, waste classification, waste definition	Duplication /contradiction of approach Risk of prosecution / land blight
6	Worked Example of Small-Scale issues with Planning Departments: Contaminated Land Officers	Delays due to Local Authority queries on investigations, risk assessments or verifications. This is paired with an uneven coverage of experienced contaminated land officers able to process the work	Small-Medium Developers, Local Planning Authority, Specialist Remediation and enabling contractors, build contractors	Planning	Competency
7	Landfill Redevelopment under the Environmental Permitting Regulations 2016	Historic landfills regulated in aftercare under Waste Management License. Redevelopment of these landfills is not being undertaken due to the cost, complexity and timescales for varying their environmental permits. This is an example of where this has been completed successfully	Environment Agency, Local Authority	Planning , environmental permitting	Success
8	Regulatory positions and the role of citizen science	Earthworks on a historic landfill completed without a permit or a material management plan and no enforcement action was taken by the Environment Agency.	Local planning authority, environmental regulator, local residents	Planning, environmental permitting, definition of waste	Inconsistency of approach

9	Redevelopment of site containing phosphogypsum	Dual regulation of sites under planning and permitting causing conflicts. £850,000 of public funds were spent on off-site disposal of material that could have been safely used on site.	Local Authority and development partners, Environment Agency	Planning, environmental permitting, definition of waste /radioactive waste	Duplication of approach Excessive costs to prevent delays
10	The challenge of effective regulatory engagement	Considerable delays to determination of planning applications and discharge of associated conditions. Statutory deadlines are regularly missed. When comments are received from the Environment Agency (EA), they are often unreasonable, inappropriate or reflect a misunderstanding of the submitted risk assessment; there is no opportunity to communicate directly with the EA officer to resolve matters in a timely manner.	Local Authority, Landowners/developers, Environment Agency	Planning	Insufficient resource to effectively manage policies
11	Properties purchased without conditions being fully discharged	Homebuyers are able to purchase properties without contaminated land conditions being discharged.	Residents, Developers, Local Planning Authorities, Contaminated Land Officers, Environment Agency	Planning , Part2A of EPA, Property conveyancing	Potential risks not addressed Land blight
12	Development continuing to commence	LPA enforcement team unable to take action for commencement with out discharge of pre commencement conditions due to submission of poor reports.	Residents, Developers, Local Planning Authorities, Contaminated Land Officers, Environment Agency	Planning (NPPF), Part2A of EPA, LCRM	Competency

13	Inconsistency in land contamination documentation requirements in Planning submissions	Approval of planning consents without adequate consideration of ground conditions and risks. The guidance in the NPPF states such information 'should' rather than 'must' or 'shall' be considered prior to determination; therefore interpretation is at the discretion of the individual LPA.	Developer, consultant, Contaminated Land Officer, LPA, consultees, the public.	Planning (NPPF), Part2A of EPA, LCRM	Competency
14	Development permitted by Act of Parliament – Railway land	Permitted development (PD) can take place without Planning permission or prior notification. This can mean land quality issues are not suitably considered	Developer, consultant, Contaminated Land Officer, LPA, consultees, the public.	Planning (NPPF), Part2A of EPA, LCRM	Potential risks not addressed Land blight
15	Environment Agency Refusal to Engage on Remediation Scheme Results in Increased Costs and less Sustainable Outcome	Environment Agency refused to engage either voluntarily, under the chargeable planning advice service or under formal planning process regarding remediation despite attempts to engage by Consultant made over a period of 18 months to 2 years. Works were then stopped by the EA waste team after deployment of mobile plant. Delays cost project estimated £250K.	Local Authority, Landowners/developers, Consultants, Contractors, Environment Agency	Planning and Environmental Permitting	Residual risks Delays / Excessive costs
16	General issues with addressing land contamination during development	A variety of poor practices by environmental consultants are experienced when addressing land contamination issues through the planning process. Different LPAs are prepared to accept different standards of assessments	Local authorities, environmental consultants, developers, owners and occupiers	Planning (NPPF), Part2A of EPA, LCRM	Competency

17	Insufficient land contamination information provided with planning applications	Environmental consultants routinely submit contaminated land information which does not sufficiently address land contamination issues at the initial planning application stage and when discharging conditions.	Developer, Council and future occupants/site users	Planning (NPPF), Part2A of EPA, LCRM	Competency
18	Unreasonable constraints in developing a groundwater treatment scheme	The EA will not allow us to use abstracted and treated water from the contaminated aquifer to be re-injected to improve and effect an in-situ remediation.	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community.	EPR, Water Framework Directive, Water Resources Act, LCRM, PreApp discussions with Regulators	Unsustainable and not risk based Delays / Excessive costs
19	Duplication of information requests between pre and post planning decisions	Standard planning conditions for all aspects of land contamination added to planning permission despite pre-app discussions, pre application review and approval of all documentation.	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community.	Planning, NPPF, LCRM	Duplication
20	Excessive timeframes to agree groundwater abstraction for remediation	The EA took nearly 2 years to agree an abstraction license to enable remediation of a Part2A special Site and caused a lot of technical confusion.	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community, Environment Agency	Planning, Water Framework Directive, Water Resources Act, NPPF, LCRM,	Excessive time delays

21	Duplication of effort to secure license to complete ecological work after agreed in planning	The use of licensing for specific ecological tasks on a site is often a duplication where planning conditions and the planning permission itself required the justification for loss of habitat to be made which is reviewed by Natural England. Then Natural England require the same evidence to be re-presenting for assessment when applying for the license to work. Delays with this process often result in seasonal restrictions and delays to projects (focused on badgers, bats and birds).	Developer, Ecological Consultant, Remediation Contractor, Build Contractor, Local Authority, Local community	Natural England Licensing requirement, planning permission, NPPF	Duplication of work Delays
22	Duplication of effort to secure license to complete ecological work after agreed in planning	The use of licensing for specific ecological tasks on a site is often a duplication where planning conditions and the planning permission itself required the justification for loss of habitat to be made which is reviewed by Natural England. Then Natural England require the same evidence to be re-presenting for assessment when applying for the license to work. Delays with this process often result in seasonal restrictions and delays to projects (focused on bat mitigation).	Developer, Ecological Consultant, Remediation Contractor, Build Contractor, Local Authority, Local community	Natural England Licensing requirement, planning permission, NPPF	Duplication of work Delays

23	Excessive timeframes to agree groundwater abstraction for remediation	16 months was taken to secure an abstraction license to support remediation. This timeframe meant the remediation of the site was delayed significantly and the project team had to enter complex negotiations with other areas of the EA and stakeholders to extend the Mobile plant permit	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community, Environment Agency	Discharge consent, Mobile Plant Permits, Water Framework Directive, Water Resources Act, planning, Part 2A	Delays causing increased costs
24	Landfill redevelopment stalled due to Environmental Permitting Regulations 2016	An historic landfill where the Environment Agency will not agree to the reuse of soils under DoWCoP, will not agree to a Deposit for Recovery Permit. No viable options remaining and consultations have lasted over 18months	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community, Environment Agency	Discharge consent, abstraction license, Mobile Plant Permits, Water Framework Directive, planning, LCRM, Waste Management	Delays causing increased costs and stopping development
25	Landfill redevelopment stalled due to Environmental Permitting Regulations 2016	Environmental permitting options conflict with planning permission and remediation strategy approved through planning. Waste regulations, Definition of waste, Environmental permitting all conflicting with LCRM and risk based framework of Land Contamination/Land Quality.	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community, Environment Agency	Planning, environmental permitting, definition of waste	Duplication of approach Excessive costs and delays

26	Regional Scale Brownfield Site Residential Development, forming mining and minerals extraction, colliery spoil and former Landfills	The Planning documents set out the risks for the site which can be adequately managed via partial excavation and remediation of soils for re-use. The EA will not allow the deployment of a mobile plant permit. The use of the DoWCoP as the site is a former landfill site. The EA have also refused the use of Deposit for Recovery permit. The site has planning for 1800 homes and has stalled at least 3 times over the last 5 years because of the EA permit issue.	Developer, Remediation Contractor, Build Contractor, Local Authority, Local community, Local Infrastructure	Planning, environmental permitting, definition of waste	Duplication of approach Excessive costs and delays
27	Brownfield Developer change of attitude (colliery spoil sites)	An experience brownfield developer who has significant experience developing complicated remediation sites has changed direction to focus on greenfield & simple brownfield sites. The complexity and impossibility of bringing forward complex sites through environmental permitting takes so long, if it happens at all, that it is no longer economically viable	Developer, Remediation Contractor, Local Communities	Planning, NPPF, Waste regulations, Definition of Waste, LCRM conflicts.	Economic feasibility
28	Refusal to agree the use of groundwater injection to support remediation	The EA would not allow us to use abstracted and treated water from the contaminated aquifer to be re-injected to improve and effect an in-situ remediation. Instead large quantities of drinking water had to be purchased, treated to reduce the O2 content and used in the activity.	Developer, Remediation Contractor, Build Contractor.	Environmental Permitting, Water Framework Directive, Water Resources Act, LCRM, PreApp discussions with Regulators	Un-sustainable and un-reasonable

Appendix 2: Task and Finish Group participants (alphabetically listed)

Government departments and agencies

Department for Environment, Food and Rural Affairs

Environment Agency

Ministry of Housing, Communities and Local Government

Natural Resources Wales

Office for Environmental Protection

Scottish Land Commission

Local authorities

National Contaminated Land Officer Group (NCLOG)

West and East London Land Contamination Officers' Group (WELLCOG)

Knowledge transfer organisations

CIRIA

CL:AIRE

Membership organisations

Association of Geotechnical and Geoenvironmental Specialists (AGS)

Environmental Industries Commission (EIC)

National Quality Mark Scheme (NQMS)

Remediation Society (RemSoc)

Royal Institution of Chartered Surveyors (RICS)

Society for Brownfield Risk Assessment (SoBRA)

Soil and Groundwater Technology Association (SAGTA)

Specialist in Land Condition (SiLC)

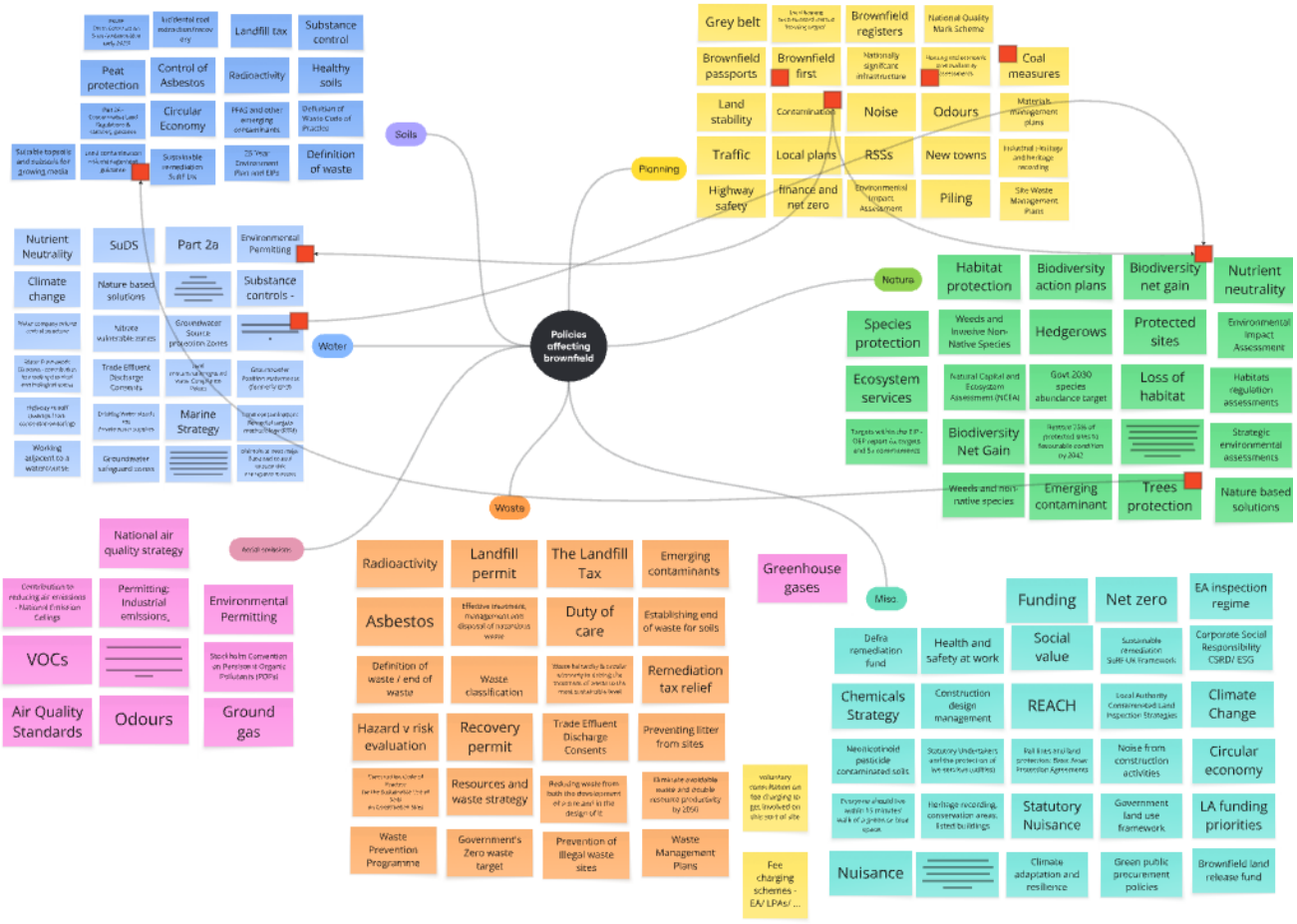
UK Environmental Law Association (UKELA)

Research organisations

British Geological Survey (BGS)

Appendix 3: Policy review

Miro board graphic showing the different policies identified which were translated into the table below.



Tabulated showing policy review results by cluster with workshop votes on priority voting

Blank cells indicate 'no response' during the workshop

Items marked with ** in the policy column are statements made by a participant where no policy was identified or where no single policy document was found.

Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Waste	**Emerging contaminants likely hazardous but not inc. WM3/CLP	DEFRA / EA		1
	**Disposal options for emerging contaminants / POPs (cannot treat & reuse, cannot dispose)	EA		2
	**No end of waste for soils as highly variable but important resource			3
	**Radioactivity			
	**Deposit on to land (waste)	EA	Landfill Directive, Environmental Permitting Regulations	
	**Landfill tax	HMRC	Part III Finance Act 1996, Landfill Tax (Prescribed Landfill Site Activities) Order 2009	
	**Waste duty of care		Environment Act 1990 Part 2, Hazardous Waste Regulations (amended) 2016	
	JIWG CAR_SOIL Guidance	CL:AIRE	Control of Asbestos Regulations 2012	2
	**Treatment, management & disposal hazardous waste			
	**Remediation tax relief	HMRC		
	Definition of Waste:Code of Practice	CL:AIRE	25 Yr Environment Plan, Waste Framework Directive & Environmental Permitting Regulations	6
	Waste classification (WM3)	EA	Landfill Directive, Environmental Permitting Regulations, Classification, Labelling & Packaging Regulations	

	Waste Hierarchy	DEFRA / EA	Waste Framework Directive	1
	**Circular Economy and how 'waste' fits in to this			1
	**risk (LCRM) verses hazard (WM3) assessment	EA		
	Web-based gudiance - trade effluent discharge (surface water)	EA	Environmental Permitting Regulations 2016	
	Litter Strategy for England applied to remediation sites			
	Construction Code of Practice for the Sustainable Use of Soils on Construction Sites	DEFRA	25 Yr Environment Plan, Waste Framework Directive & Environmental Permitting Regulations	
	Resources & Waste Strategy			
	**Eliminate avoidable waste / double resources 2050			
	**Waste Prevention Programme (reduce construction waste, reuse materials)			
	**Government zero waste target			
	**Prevention of illegal waste sites		25 Yr Environment Plan & Environmental Permitting Regulations	

Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Soil	Definition of Waste:Code of Practice	CL:AIRE	25 Yr Environment Plan, Waste Framework Directive & Environmental Permitting Regulations	
	Safeguarding our soils	DEFRA	EU Thematic Strategy on Soil Protection	
	**Options for managing emerging contaminants / POPs	EA		3

	Construction Code of Practice for the Sustainable Use of Soils on Construction Sites	DEFRA	25 Yr Environment Plan, Waste Framework Directive & Environmental Permitting Regulations	1
	Land Contamination Risk Management Framework	EA	Environmental Protection Act 1990 Part2A, Environmental Permitting Regulations and Groundwater Directive	
	Healthy Soils Project	DEFRA	Environment Act 2021, 25 Yr Environment Plan, Environment Improvement Plan	1
	BS3882 (Topsoil), BS8601 (subsoil)	BSI National Standards Body	Voluntary standards (no legal standing)	2
	Part 2A Statutory Guidance	DEFRA	Environmental Protection Act 1990 Part2A	1
	Definition of waste (guidance)	EA	Waste Framework Directive	7
	EPR guidance & Mobile Plant Deployment	EA	Environmental Permitting Regulations	
	Sustainable remediation	SuRF UK	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Environment Act 2021, Environmental Permitting Regulations 2016	
	National Planning Policy Framework	MHCLG	Town & Country Planning Act 1990 & Planning Act 2008	
	National Planning Policy Framework	MHCLG	Circular Economy Package, Resources and Waste Strategy, 25 Yr Environment Plan, T&CPA 1990 & Planning Act 2008	1
	JIWG CAR_SOIL Guidance	H&SE	Control of Asbestos Regulations 2012	
	H&SE direct advice sheets	H&SE	Control of Substances Hazardous to Health (COSHH)	
	Radioactive substances legislation: scope and exemptions; Part 2A Statutory Guidance	DEFRA	Radioactive Substances Act 1993, Part2A EPA 1990, Basic Safety Standards Directive	
	Landfill tax	HMRC	The Landfill Tax (Qualifying Material) Order 2011, Finance Act 1996, Landfill Tax Regulations 1996	
	Waste Management Paper 3 WM3	EA	The Waste (England and Wales) Regulations 2011	
	United Kingdom Food Security Report 2024	DEFRA	Agriculture Act 2020	
	National Standards for sustainable drainage systems	DEFRA	Flood Water and Management Act 2010	

	Flood risk and coastal change	MHCLG		
	Sustainable drainage systems: non-statutory technical standards	DEFRA		
	Groundwater Policy & Practice	EA	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Environment Act 2021, Environmental Permitting Regulations 2016	
	Peat Action Plan	DEFRA	Environment Bill	
	Incidental Coal Agreement	Mining Remediation	Coal Industry Act 1994	

Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Water	Nutrient Neutrality and Mitigation Guide, National Planning Policy Framework	DEFRA, EA & Natural England	Levelling-up & Regeneration Act 2023, Water Industry Act 1991, Conservation of Habitats and Species Regulations 2017	3
	National Planning Policy Framework, SoBRA guidance, A Guide for Local Authorities on The Climate Crisis and Planning for Climate Change, EPR guidance on permit applications	DEFRA, EA, LPA, MHGCL	The Climate Change Act 2008	
	**Web based guidance - preventing deterioration	EA	Water Environment (WFD) Regulations 2017	
	**Highway run-off			
	**working adjacent to a watercourse		Water Environment (WFD) Regulations 2017	
	National Planning Policy Framework		Flood & Water Management Act 2010	
	Sustainable drainage systems: non-statutory technical standards	DEFRA	Flood & Water Management Act 2010	2
	**Web based guidance - Nitrate vulnerable zones		Water Environment (WFD) Regulations 2017	
	**Web-based guidance - trade effluent discharge (surface water)	EA	Environmental Permitting Regulations 2016	1

	**Web based guidance - Groundwater safeguard zones	EA	Water Environment (WFD) Regulations 2017	
	Contaminated Land Statutory Guidance, National Planning Policy Framework	DEFRA, EA, LA	Environmental Protection Act 1990 Part2A, Environmental Damage Regulations 2015	1
	**Web based guidance - Groundwater source protection zones	EA	Non statutory designation	
	Drinking Water Inspectorate guidance	DWI	Drinking Water Directive	
	**Web based guidance - permits for dewatering (GW)	EA	Environmental Permitting Regulations 2016	5
	**Web based guidance - permits for discharge (GW)	EA	Environmental Permitting Regulations 2016	5
	**Web based guidance - permits for remediation treatment	EA	Environmental Permitting Regulations 2016	5
	**Web based guidance - Persistent organic pollutants (POPs): policy information			
	**Web based guidance - groundwater activities	EA	Groundwater Directive and Environmental Permitting Regulations 2016	
	**Web based guidance - Groundwater position statements	EA	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Environment Act 2021, Environmental Permitting Regulations 2016	1
	National Standards for sustainable drainage systems	DEFRA	Flood Water and Management Act 2010	
	Flood risk and coastal change	MHCLG		
	Groundwater Policy & Practice	EA	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, Environment Act 2021, Environmental Permitting Regulations 2016	

Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Nature	Priority Species & Habitats		Natural Environment and Rural Communities Act 2006	1
	Local Biodiversity Action Plans			
	Biodiversity Net Gain		Schedule 7A Town & Country Planning Act (amended) 2024, Biodiversity Gain Requirement Regulations 2024	6
	Nutrient Neutrality and Mitigation Guide, National Planning Policy Framework	DEFRA, EA & Natural England	Levelling-up & Regeneration Act 2023, Water Industry Act 1991, Conservation of Habitats and Species Regulations 2017	3
	**Species protection		Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981	1
	**weeds & non-native species		Wildlife and Countryside Act 1981, Weeds Act 1959	1
	**Protection of Hedgerows		Hedgerows Regulations 1997	
	Environmental Impact Assessment		Town and Country Planning (Environmental Impact Assessment) Regulations 2017	1
	Nature Capital & Ecosystem Services Assessment, included in NPPF			
	Government Species abundance target			
	Habitat regulation assessments		Habitats Directive, Conservation of Habitats and Species Regulations 2017	
	Restore 75% protected sites to favourable condition by 2042		Environment Improvement Plan 2023	
	2050 target for 16.5% of land in England to be covered by trees beyond a woodland			
	Strategic environmental assessment and sustainability appraisal		The Environmental Assessment of Plans and Programmes Regulations 2004, Planning and Compulsory Purchase Act 2004	
	Targets in the Environment Improvement Plan as reported on by OEP		Environment Improvement Plan 2023	
	How to stop Japanese knotweed from spreading			

	**Emerging contaminants & ecological receptors			3
	Tree protection		Town and Country Planning Act (TPOs) 1990, Forestry Act 1967	1
	**Nature based solutions (no policy developed yet)		Links with Flood & Water Management Act	

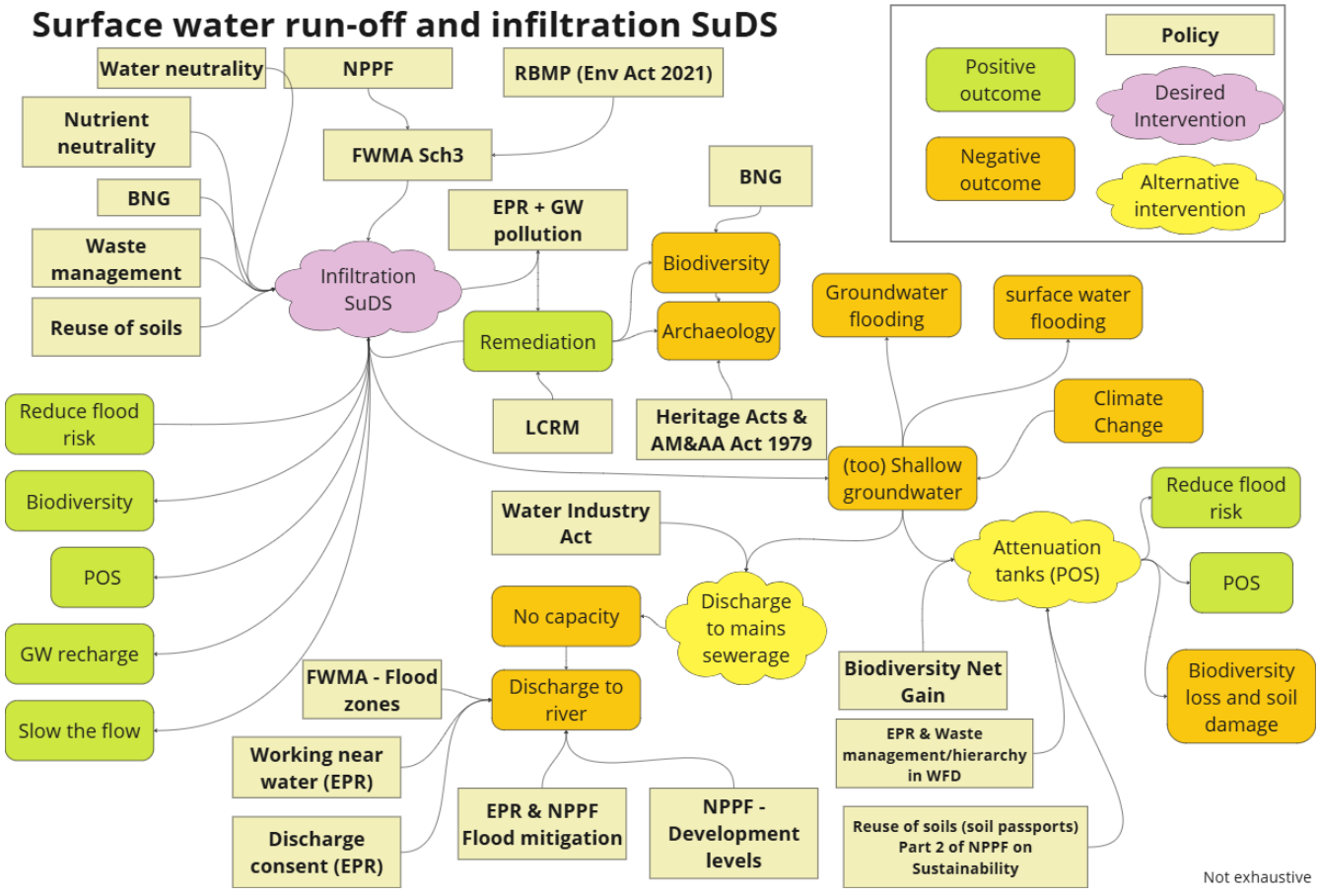
Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Air	National Radon Action Plan		Ionising Radiation (Basic Safety Standards) Regulations 2018	
	National Planning Policy Framework para 187	MHCLG & DEFRA	Environmental Protection Act 1990 Part 3	
	**permitted activities must not cause nuisance (remediation permits)	EA	Environmental Permitting Regulations 2016 (Part A, A2, B Permits)	
	**Preventing release of chemicals to the environment		Stockholm Convention	1
	**Control of fugitive and point source emissions		The Climate Change Act 2008, Environmental Permitting Regulations 2016	
	**Mobile treatment plant deployment		Environmental Permitting Regulations 2016	7
	**Reducing air emissions		National Emissions Ceiling Regulations 2018	
	**Air quality standards		Air Quality Standards Regulations 2010	
	National Air Quality Strategy			
	BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings			1

	BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs)			1

Policy area	Policy /guidance	Owner	Lineage	Prioritisation votes
Misc.	Guidance Note: Promoting Net Zero in Construction		Climate Change Act 2008	3
	National Planning Policy Framework		Climate Change Act 2008	2
	Corporate Intangibles Research and Development Manual (remediation tax relief)	HMRC		
	**Environmental Permitting Compliance	EA	Environmental Permitting Regulations 2016	
	**	HSE	UK REACH Regulations 2021	2
	**	HSE	Health and Safety at Work Act 1974	
	**Corporate Social Responsibility			
	Future Chemicals Strategy (new emerging contaminants)	DEFRA		1
	SuRF-UK Guidance supporting National Planning Policy Framework Chapter 2	CL:AIRE MHCLG	Town and Country Planning Act, Environmental Protection Act 1990 Part 2A, Environmental Damage Regulations	
	Construction Design Management	HSE	Construction (Design & Management) Regulations 2015	
	Contaminated Land Inspection Strategies	LA	Environmental Protection Act 1990 Part 2A	
	**Statutory Undertakers protection of live services			
	Basic Asset Protection Agreements	Network Rail		
	Guidance for businesses on the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001.	Office for Product Safety & Standards	Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001.	

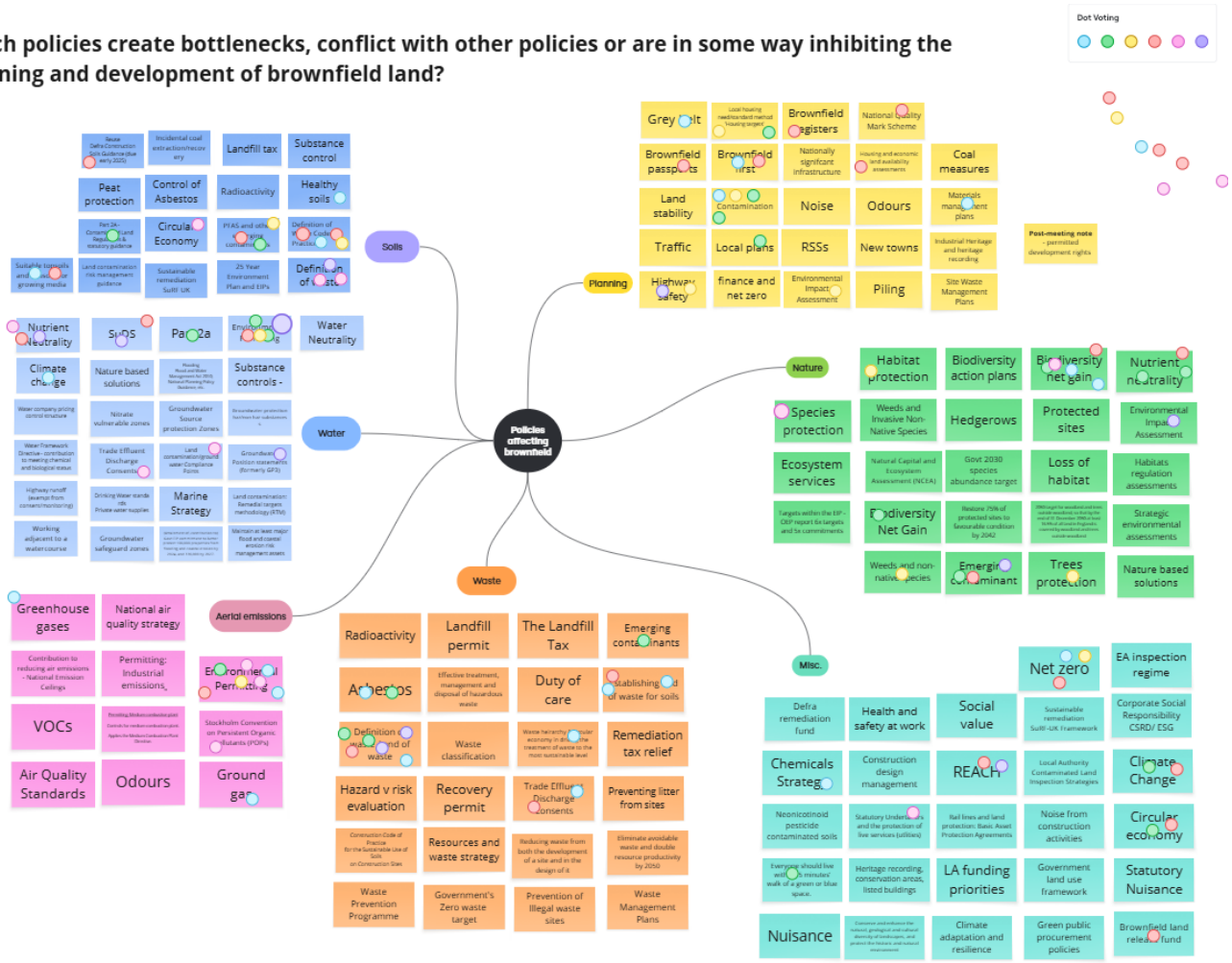
	Circular Economy Package, Resources & Waste Strategy		Waste Framework Directive, Environment Improvement Plan, Landfill Directive	2
	Survey & record Industrial Heritage	Historic England		
	**Statutory Nuisance	DEFRA	Environmental Protection Act 1990 Part 3	
	**Conserve & enhance the natural, geological & cultural diversity of landscapes…		Environment Improvement Plan 2023	
	Climate National Adaption programme part 3.5 & 4.3	DEFRA		
	Part O & Z		Building Regulations	
	**Green public procurement policies			1
	Private land asset valuations (Due Diligence)			
	Remediation Fund	DEFRA		1
	Social Value Model	Cabinet Office and DCMS	Public Services (Social Value) Act 2013	

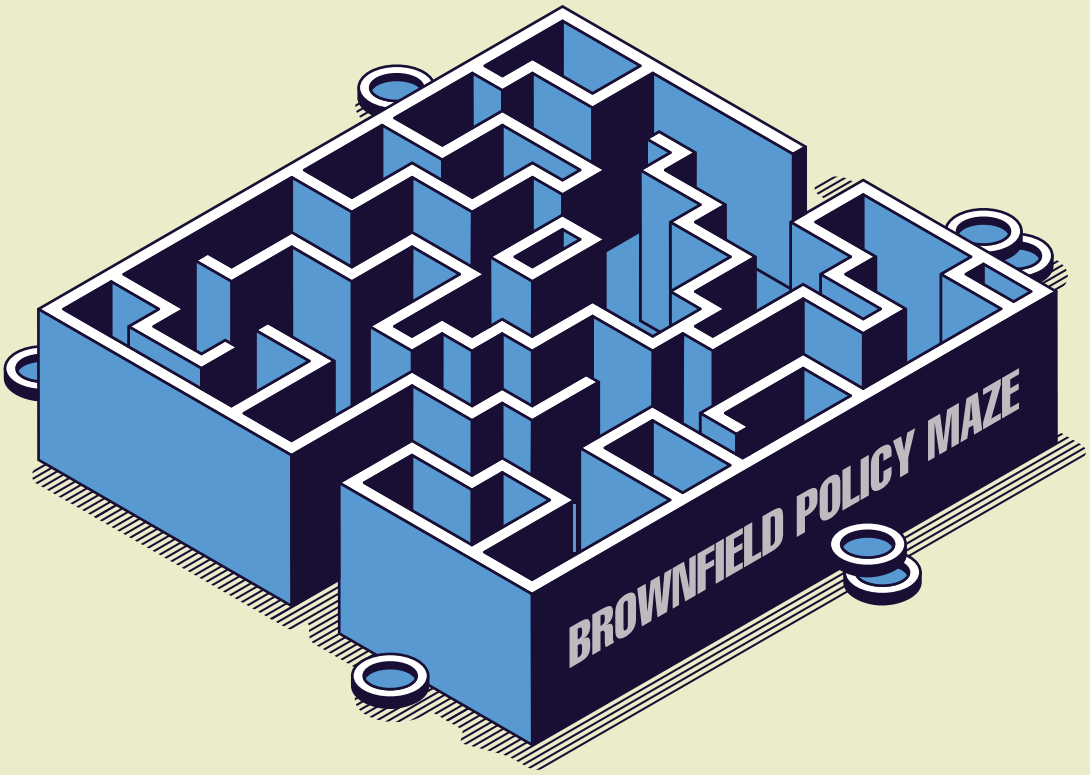
Appendix 4: Policy interactions



Appendix 5: Policy prioritisation

Which policies create bottlenecks, conflict with other policies or are in some way inhibiting the planning and development of brownfield land?





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