



Campaign to Protect
Rural England

Draft Planning Policy Statement: Eco-Towns

A response by CPRE to the DCLG consultation paper

April 2009

Introduction and summary

1. CPRE welcomes the opportunity to respond to this consultation. Throughout the Eco-Towns programme we have consistently said that we strongly support the Government's aspirations for more sustainable, affordable housing. At the same time, the ad-hoc, unplanned approach adopted continues to concern us. For eco-towns to be truly sustainable, exemplar schemes for others to follow they must be built and planned in the right way and send a clear, compelling message about the way forward. Unfortunately, this has not been the case with regard to the programme as a whole and the majority of proposed schemes. As well as achieving the highest standards on site, their relationship with surrounding areas, communities and the existing built and natural environment is crucial. To succeed, the towns will need to win the support and commitment of local communities, not just now but in the future.

2. Through our network of county branches, regions and district groups, CPRE volunteers play an active role in local planning matters, scrutinise thousands of planning applications a year and respond to consultations on local development plans and regional planning guidance/spatial strategies. We consulted our branches and regional groups in responding to this consultation and in February ran a seminar for our volunteers to consider our response. Notes from this event are attached as an annex to this response. In drafting this response we have sought the view of our Honorary Standing Counsel, John Hobson QC on the proposed approach set out in the draft Planning Policy Statement. His opinion is appended to this response.

3. This submission focuses on general principles underpinning the eco-towns programme. We have not commented in detail on proposed locations, leaving this to our branches and regional groups to submit their own responses. A summary of our concerns and recommendations is given below. This is followed by more detailed comments on specific consultation questions.

Summary

4. Key points we raise in our submission are that:
- by naming locations, the PPS would undermine rather than support the plan-led system;
 - requiring eco-towns to be freestanding new settlements could create a bias in favour of new towns;
 - the proposed approach may fail to comply with the EU Directive on Strategic Environmental Assessments by failing to consider genuine alternatives to new towns, such as redevelopment or urban extensions;
 - zero carbon and transport standards are insufficiently challenging;

5. To address some of the above shortcomings, we suggest that
- the final PPS should not name locations;
 - the criterion for eco-towns to be freestanding new settlements should be dropped and instead a range of options such as eco-quarters and retrofitting existing buildings encouraged;
 - meaningful alternatives should be assessed as part of the sustainability appraisal;
 - the zero carbon standard should take into account embodied energy, as well as energy in use and consideration should be given to transport related emissions;
 - more cost effective ways of providing affordable, sustainable homes should be pursued;
 - homes should be required to meet Code Level Six;
 - measures should be in place to secure a minimum of 60 per cent of journeys by means other than the car.

Overview

6. We agree with the statement in the draft PPS that eco-towns should demonstrate best practice in terms of sustainable development (paragraph 2.1). We believe this should apply to the development as a whole in all aspects. Due to their location, many shortlisted schemes will make this difficult or impossible to achieve in practice as there is a risk that they will become car based commuter towns. The Environmental Audit Committee note in their report *Greener Homes for the Future? An environmental analysis of the Government's housebuilding plans* (Twelfth Report of Session 2007–08):

‘We share many of our witnesses’ concerns about the full environmental impacts of eco-towns. We recommend that the Government re-examines its proposals to ensure they generate a much greater level of sustainability, particularly in terms of being located close to existing commercial centres, employment opportunities, and public transport links.’

7. Evidence suggests better alternatives exist which offer more scope for demonstrating best practice, are more acceptable to local communities and would provide lessons that are relevant to a wide range of circumstances. Consideration should be given to these instead. Examples include the approach proposed by the Federation of Master Builders; an earlier, but rejected bid at Carrington; and sites already coming through the planning process, such as Longbridge or Northstowe.

8. The process for considering eco-towns to date has been highly questionable. We strongly support the statement in the draft PPS that states that eco-towns proposals should be dealt with in the same way as other major development proposals. This will be difficult, however, due to the nature of the selection process to date and procedures described in the draft PPS which would appear to undermine the plan-led process. Even those few locations where schemes have a degree of local support and are already being considered as potential options with local plans a great deal of confusion has been caused by having effectively a ‘dual’ planning process. Making what is already a complex system even less accessible to communities who must live with the consequences of decisions for generations does not

appear to us to be the right approach. We believe these shortcomings can be overcome by not naming actual locations in a national PPS, with the possible exception of those supported by adopted local and regional plans, removing the criterion for eco-towns to be freestanding new settlements and making it clear that a variety of options should be considered.

9. It makes no sense to promote a particular form of development, ie. freestanding new settlements, over options, such as infill, extension and redevelopment which in most circumstances will be more sustainable. Why should the idea of an 'eco-town' be reserved for separate and distinct new settlements? Environmental standards in all new and existing development need to be raised. Such a narrow definition detracts from this urgent task of making all places more sustainable.

10. Proposed arrangements for determining applications are ambiguous. An eco-town PPS, in the form proposed, will place planning authorities in a difficult position, particularly where it names locations for development unsupported by or contrary to development plans. This is effectively asking them to look favourably on proposals which go against what they have agreed with their communities. It is difficult to see how usual safeguards with regard to Departure applications will apply since the Secretary of State is promoting eco-town locations. Justice Collins raised this matter when approving BARD's application for judicial review last September, noting 'there must be concern that the defendant [Secretary of State, Communities & Local Government] may have disqualified herself from considering any planning application for an eco-town because of perceived bias in its favour.'

Consultation questions

Q1. Does the draft Planning Policy Statement provide sufficient guidance on the consideration of eco-towns through the plan making process?

11. No. Although the draft PPS acknowledges a role for development plans, we believe proposed arrangements will undermine rather than support the plan-led process in many areas. Planning authorities and regional assemblies expend considerable resources gathering evidence on housing need and consulting the public on options. The end result is policies and plans which provide the basis for decisions, are evidence based, reflect community aspirations and have local democratic legitimacy. By naming actual locations, an eco-towns PPS is prejudging the development plan-process.

12. The proposed approach differs to that set out in planning policy on housing (PPS3, 2007) and Local Development Frameworks (PPS12, 2008). These indicate that through the preparation of RSSs and LDFs a range of options for meeting needs for housing and other development should be considered and subject to sustainability appraisal. While housing numbers are determined regionally, sites are normally allocated through LDFs. These plans provide certainty and guide the plans of service providers, investors and business. The procedures for producing them need to be robust if the resulting plans, policies and decisions based on them are to inspire confidence. In the opinion of our Honorary Standing Counsel, John Hobson QC:

“the promulgation of a list of identified sites in national policy guidance would represent an anomalous departure that would undermine the plan-led system. It would constitute a potentially unlawful interference with the statutory functions of local planning authorities in drawing up development plans and determining planning applications.’

13. In the event that the final eco-towns PPS does not name locations, and we hope it will not, we remain concerned that by requiring eco-towns to be freestanding new settlements the PPS will create a bias in favour of new towns over more sustainable options for meeting

needs. Should it do this, the PPS would act effectively as a charter for new towns. This approach is unsustainable and a misnomer given present economic conditions. Moreover, there is a risk, particularly under present economic conditions, that pursuing such major schemes could jeopardise the achievement of existing plans, as many have already commented, including those charged with delivering growth. Across the country regeneration programmes are stalling. It would be better to support these initiatives, than allocate swathes of additional greenfield land for development. We recommend that the criterion on freestanding new settlements be removed and the final PPS gives equal weight to other options such as redevelopment, urban infill, extension and retrofitting existing buildings.

14. We suggest a better alternative would be to ask communities to consider schemes on sites allocated in LDFs.

Q2. Are the locational principles for eco-towns sufficiently clear and workable?

15. The key issue here is: are they the right locational principles? A major flaw, in our view, is that by requiring eco-towns to be freestanding new settlements the draft PPS is abandoning a tried and tested planning principle, namely the sequential approach. This delivers proven benefits in terms of urban renewal, better access to jobs and services, reducing carbon emissions and the need to travel and avoiding unnecessary development on greenfields. This looks first to using existing buildings, then to redeveloping urban brownfield sites, then to extensions. Major development happens in areas with public transport, jobs and services nearby or where these can easily be provided. This brings environmental and social benefits and overall costs are lower, since much essential infrastructure already exists or can be more easily provided. New settlements are considered only where there is a need for development which cannot be met through other options.

Q3. Taking overall the standards set out in the draft PPS do you think that they achieve a viable eco-towns concept?

16. While some standards are excellent, a number are inadequate, for example, on car use and energy. Since more stringent Building Regulations standards will be in force by the time eco-towns are built it is difficult to see how they will serve as exemplars if they fall short of the current standards of the time.

Q4. Eco-town standards

Q4.1 Do the standards provide a clear basis on which to make decisions on planning applications for eco-towns?

17. However high standards are achieved on site, this cannot overcome the problem of building in the wrong place to begin with. We object to the requirement for eco-towns to be between 5,000 and 20,000 homes as we need exemplar schemes in a range of scales and circumstances. We agree that good urban planning can support more active living and reduce health inequalities. The same applies to good rural planning. More attention should be given to integrating eco-towns with the natural environment and surrounding landscape.

18. We are disappointed that despite references in the earlier documents published by Government suggesting that brownfield land would feature strongly, shortlisted locations are mainly greenfield and include land of the highest agricultural quality. This does not convey an approach based on ecological principles.

19. We were disappointed when the eco-town at Carrington in Cheshire failed to make the shortlist. This idea was well supported locally, including by CPRE. An eco-town here would provide an excellent opportunity to clear up degraded land, provide housing, jobs and

services to the benefit of new and neighbouring communities thereby demonstrating how planning can 'add value'. We urge the Government to explore ways in which this idea might be developed further.

Q4.2 Do you consider that the cost of implementing the standards will undermine the viability of eco-towns?

20. Price Waterhouse Cooper and CBRE in their recent reports highlight viability issues and suggest most schemes will require substantial public funding in order to be viable. Whether better standards undermine viability depend on how it is calculated. Higher standards should lead to lower running costs and over the long term any additional expense should be recouped. Measured by conventional standards, viability may be reduced, especially under present conditions. But by adopting different models of finance and delivery, which better reflect lifecycle benefits and savings, tie returns to investment risk and long term outcomes, the picture may be very different. We recommend that a lifecycle or whole life cost approach is taken and the benefits of these communicated to potential investors, developers, landlords and residents.

21. We welcome the commitment to 30-50% affordable housing. It should be ensured that this is available in perpetuity

Q4.3 Are there any standards that you feel are missing? (That are not covered in other Government policy or guidance.)

22. We recommend that a standard be added that requires a landscape character assessment to be carried out for all locations. Consideration should be given to the potential for landscape restoration and habitat creation.

23. Eco-towns should demonstrate how new development can 'add value' to the landscape, rather than take it away. This is possible where it entails restoration of contaminated land for the benefit of communities and wildlife

24. Transport standards in conjunction with neighbouring communities and settlements should be considered.

Q4.4 Are any of the standards not essential?

25. The criterion requiring eco-towns to be freestanding new settlements should be dropped. Such an approach conflicts with the need to secure genuinely sustainable development.

Zero carbon (paragraphs 4.3 to 4.6)

Q4.5 The zero carbon standard attempts to ensure that carbon emissions related to the built environment in eco-towns are zero or below. Have we specified the calculation of net emissions clearly in a way that avoids perverse incentives and loopholes? Is this standard the most cost effective way to do this?

26. The focus on new settlements, rather than redevelopment, far from offering 'the potential to help meet the challenge of climate change and housing growth' as the PPS states (paragraph 27) will make this harder. Consideration should be given to transport related emissions to ensure that any increase in these does not override gains made in the built environment. The aim should be to achieve zero-carbon across the settlement as a whole.

Homes (paragraphs 4.9 to 4.10)

Q4.7 Should the PPS be more prescriptive than set out in paragraph 4.9 (e) in relation to energy efficiency? Do you agree that 70 per cent is an appropriate level of carbon mitigation through on-site means?

27. Yes. Homes in eco-towns should be required to achieve at least Sustainable Homes Code level six. Code Level four, as proposed, is not sufficiently aspirational and will mean that the standards achieved on site will fall short of minimum standards in place when the towns are eventually built. We recommend that a lifecycle approach be adopted to assess energy use, covering embodied energy as well as energy in use, and all buildings, not just homes. Consideration should also be given to energy use in transport.

Employment (paragraph 4.11)

Q4.8 Is this employment standard sufficiently clear and workable?

28. We welcome the commitment to one job per dwelling. However, it should be clarified whether this will be within the settlement and if not, the distance away from it. Moreover, one employment opportunity per new dwelling easily reached by walking, cycling or public transport may not be enough. Many households will have two people at work, which implies that up to half of working residents may use a car to out commute, possibly long distances

29. For an eco-town to live up to its credentials the type of work done and jobs available are crucial as is any measure of success. CPRE advocates a discerning approach to economic development in the countryside. We see no reason why a similar approach should not apply in eco-towns. A jobs at any cost approach should be avoided. Instead, we suggest that specific encouragement be given to environmental industries, sustainable business practices and establishing links with local farmers, producers and suppliers.

30. Conventional measures, such as GDP or GVA, fail to reflect the true value of much work carried out, and present some business activity which harm communities and the countryside, as successes (*What you measure matters, Economic Competitiveness: you win some, you lose more*, CPRE, 2006). Those employed in conservation, community or agricultural work perform vital tasks that benefit the wider community, yet are often poorly paid or give their services freely (*Living Landscapes*, CPRE, *Making Consultation Matter*, Heritage Link, 2006). These activities barely register on GDP despite their importance. Consideration should be given to adopting alternative measures of economic success.

Transport (paragraphs 4.12 to 4.16)

Q4.9 The transport standard attempts to support people's desire for mobility whilst enabling low carbon living. Is it sufficiently clear and workable?

31. The transport standard should be strengthened to secure at least 60 per cent of trips by non-car means. For detailed comments on the transport aspects of eco-towns refer to our joint response with Sustrans, Car Free UK, CBT, FoE and CTC.

Local services (paragraph 4.17)

Q4.10 The local services standard allows flexibility to reflect existing local provision and the size of the development. Does it cover the essential services which will be needed in eco-towns?

32. It is important that a range of services is available within the settlement and within walking distance if eco-towns are to serve as an exemplar.

Green infrastructure and biodiversity (paragraphs 4.18 to 4.21)

Q4.11 The standards proposed on green infrastructure and biodiversity aim to ensure that development is undertaken in such a way that it protects and enhances the best features of local landscapes for the benefit of both people and wildlife. Are these standards reasonable and deliverable?

33. We agree that land should be provided for local food growing but we would not wish to see agricultural land required for large scale food production diverted to provide allotments. Every home should have access to green space. This could be in the form of terraces, roof gardens, balconies and communal gardens for apartments and private gardens for houses. Having a range of types and sizes of outdoor space will help ensure that good practice from eco-towns are relevant and can be applied elsewhere. It will also ensure that homes cater for different needs: from those who relish the prospect of managing a large garden, to those who require or prefer a smaller garden or terrace, or access to green space managed on their behalf. Consideration should be given to the provision of greenspace and soft landscaping near workplaces, community and health facilities – all have proven benefits. We agree that land should be multifunctional where possible. At the same time, measures to protect vulnerable habitats and landscapes and restrict public access may be needed.

Water and flood risk management (paragraphs 4.22 to 4.28)

Q4.12 The water and flood risk standards aim to ensure that eco-town developments are planned so that they will minimise water use and flood risk, and raise quality. Are the standards proposed clear and deliverable?

34. We welcome the water and flood risk standards. We note with concern, however, that some locations shortlisted for potential eco-towns are areas prone to flooding. Meeting flood risk standards here may prove difficult and costly. We believe that public funds would be better spent on protecting existing homes from flooding, rather than storing up problems for the future by building in flood risk areas.

35. CPRE is a member of the Blueprint Coalition, a group of NGOs calling on the Government to take for action to secure a sustainable water environment. *Blueprint for Water* (Wildlife and Countryside Link, 2009) sets out 10 steps needed to move towards sustainable water management.

Waste (paragraph 4.29)

Q4.13 The waste standard aims to ensure that eco-towns manage their waste effectively, from their construction onwards. Is the proposed waste standard a clear and workable way of doing this?

36. In addition to measures proposed, we suggest that consideration be given to re-using demolition and construction material.

Transition and development (paragraphs 4.32)

Q4.14 The transition and development standard should ensure that initial residents will not live in un-serviced and isolating building sites. Does it get the balance right between supporting initial residents and enabling developers the flexibility they need to build and grow the town?

37. The relationship with existing and surrounding communities needs to be addressed. Their commitment will be crucial if the eco-towns concept is to succeed. The reference to encouraging environmentally responsible behaviour is equally relevant, and therefore should apply, to business, service providers and visitors as well as residents.

Community and governance (paragraphs 4.33 to 4.34)

Q4.15 The community and governance standard attempts to ensure that eco-towns will be successful communities, that residents will have a say in how their town is run, and that standards are maintained. Is this standard clear and workable?

38. We agree that a long term approach is necessary. Proposals will need to set out how they will be able secure management and commitment to realise eco-town principles over the long term.

Sustainability Appraisal, Habitats Regulations Assessment and Impact Assessment

Q5. Do you have any comments on the accompanying Sustainability Appraisal/Habitats Regulations Assessment or the Impact Assessment?

39. A sustainability appraisal should thoroughly assess all options for development, including alternatives to freestanding new settlements. It is extremely worrying that no meaningful assessment has been made of alternative ways of meeting housing needs. Without this how can the Government ascertain what is the best, ie. most sustainable, option? This omission calls into question the Government's commitment to sustainable development. Describing the proposed SA arrangements as 'defective' our Honorary Standing Counsel, John Hobson, noted 'the only alternatives considered were those which were "deemed to fulfil the broad eco-town criteria"'. There was no attempt to consider and compare alternative means of meeting the housing needs of the areas, for example by brownfield development or urban extensions.'

40. Listing actual sites in a planning policy statement may potentially conflict with SEA procedures by adding material weight to the case for freestanding new settlements over when more sustainable options are available such as redeveloping within or extending existing settlements. This view was supported by John Hobson, who said 'The inclusion of the list of sites without a proper consideration of alternatives as part of the SA would be unlawful.'

Conclusion

41. It is hard to see how building new towns represents a cost effective way of providing affordable, sustainable homes or responding to the challenge of Climate Change. Eco-towns will contribute a relatively small proportion of homes built – around 5 per cent at most. To make a real difference high environmental standards are needed in all new and existing development. UK housebuilders are renowned for their conservatism and reluctance to innovate. Having the right regulatory standards is therefore essential if progress is to be made. Pursuing a range of exemplar developments with a focus on eco-quarters within existing urban area makes more sense in today's economic climate and would enable lessons to be applied in a wide range of circumstances. This approach is more likely to win support with stakeholders and local communities. We suggest that public money ringfenced for the eco-towns programme be made available for other initiatives, particularly those that are considered more appropriate at the local level.

Appendix 1

Key points raised at CPRE's Housing and Eco-Towns seminar, 26 February 2009

- Concern that CLG has ruled out alternatives to free standing settlements
- The programme may breach the EU SEA Directive
- Transport standards are weak - Rackheath came out with an A grade despite a four lane highway running through the settlement.
- Decisions must be based on a plan-led approach not imposed by Government
- Will high standards be delivered in the current economic climate and given that much of the programme is developer led?
- Lessons need to be learnt from the Millennium Village experiment which has ground to a halt in Norfolk
- The need to ensure that eco-standards are not applied only to exemplar sites but for all developments
- Implementation of conditions and long-term management of sites needs to be considered
- Effect of the programme on the LDF process must be considered

Appendix 2

Summary of CPRE branch and regional groups comments on the sustainability appraisal/habitats regulations assessment of eco-town locations

Please refer to individual CPRE branch and regional submissions for detailed responses.

Elsenham

A1 The assessment in terms of landscape and the historic environment is inadequate. The appraisal only looked at “designated landscapes” and we consider this a serious flaw in the process.

A2 The sustainability appraisal for the East of England plan showed the serious harm likely to arise from the level of growth already planned for the region.

A3 Key weaknesses the SA lists (paragraph 2.2.55) for Elsenham are among those CPRE identified at the earlier consultation, namely, located within a water stressed area, loss of good quality farmland, lack of capacity on local roads, and the potential to change the character and setting of the neighbouring historic village of Henham.

A4 The major expansion of Elsenham as proposed would lead to the settlement expanding out of the valley onto the adjoining plateau with impact that would have. Such expansion is not contained by natural boundaries to the north and would lead to coalescence with the adjoining village of Henham.

Ford

A5 The sustainability appraisal for the Ford Ecotown contains serious errors which need to be rectified for the SA to provide a reliable basis for any decision.

A6 A long-recognised Strategic Gap exists between Littlehampton and Bognor Regis, which would be obliterated by the proposed eco-town, with serious consequences for the landscape, ecology and sustainability of the area. The SA does not acknowledge the existence of this Strategic Gap and states, incorrectly, that the site lies outside it.

A7 Shortcomings of the proposed location include:

- loss of the important Littlehampton – Bognor Strategic Gap
- the majority of the site is grade 1 agricultural land for the loss of which adequate mitigation is not possible
- much of the site is previously undeveloped and lies in a flood risk area
- implications for groundwater
- traffic congestion

Despite its shortcomings, the SA correctly highlights some of the site's fundamental drawbacks, many of which cannot be overcome however 'eco friendly' development is in practice. These suggest that Ford fails to achieve the high sustainability standards required for an eco-town, and therefore should not be considered a suitable location for one.

Marston Vale

A8 The Vale's history in the last 30 years has alternated between being an area of search for development and an area for environmental improvement. There is little scope to

accommodate further development without fragmentation jeopardising the environmental sustainability of the Vale and wider area.

A9 A largely greenfield site in an attractive rural area,, the southern Marston Vale will form the only remaining green wedge between Milton Keynes and Bedford when current plans for expanding these urban areas are implemented. The Marston Vale is the site of a Community Forest, and an important Green Infrastructure corridor. The Sustainability Appraisal appears to believe that the whole eco-town site was in the northern Vale. Contrary to what the SA suggests, Mid Bedfordshire LDF's preferred option envisaged just limited development in villages it deemed "minor service centres" in the southern part of the Vale, where much of the site was located.

A10 The consequence of developing Marston Vale as an eco-town, as was proposed, would have been to generate a linear city running from Milton Keynes to Bedford.

Oxfordshire: Weston Otmoor, Cherwell and North West Bicester

A11 The assessments of Weston Otmoor have been based on incomplete information from Parkridge and seem to take tentative proposals at face value. The Parkridge masterplan has been subject to continuous changes. In a number of respects it is still not clear what Parkridge are finally proposing. For example, the Landscape report from Broadway Malyan identifies inconsistencies or a lack of clarity from Parkridge on important issues. Similarly, the latest Ecological impact report commissioned by Cherwell DC concludes that Parkridge studies have "too readily dismissed" key hydrology issues and underlines the need for more work before firm conclusions about impact can be reached. There are inconsistencies running through the SA in terms of levels of detail, different levels of emphasis, and somewhat arbitrary assessments/scoring.

A12 The 23 sustainability indicators used in the SA do not give a balanced or informative assessment of the eco-town's over impacts in terms of sustainability i.e. the economy, the community and the environment. There needs to be a proper balance between detailed environmental factors - which predominate and are relatively factual and easy to "score" - and more fundamental spatial and policy context issues stemming from the geographic location itself - matters of judgment which are apparently more difficult to "score".

A13 The scoring system is relatively crude, based on "Positive", "Potential negative", "Negative", and "Not known". Some of the "positive" indicators for Weston could easily be argued as a mixed bag of "Positive" and "Potential negative", and rated therefore as "Potential negative". For example the positive score for "Listed buildings..etc" has no apparent impact analysis, despite the close proximity to Weston-on-the-Green village, its Conservation Area and historic buildings.

A14 Detailed on-site "development" criteria should be differentiated from "locational" criteria. In other words you can have a good concept in detailed "development" terms on a totally unsuitable site strategically. This is the case at Weston where there may be some good "eco" ideas, but in strategic planning terms the location is unsuitable and unworkable.

A15 9 of the 23 indicators seem solely concerned with "on-site" environmental factors. Wider, more complex spatial factors – e.g., housing, employment, regeneration, transport - are expressed in a rather facile way, leading to simplistic impact assessments. It would be feasible to "score" assessments of certain indicators differently. For example, building 5,000 affordable houses on one site at Weston does not address known housing demand/need at Banbury and Bicester - yet this is assessed as only a "Positive" factor. Ove Arup's report on Economic and Social Impacts gives a more informative analysis of these key spatial issues.

A16 There is a lack of meaningful analysis of complex wider impacts examined by Ove Arup. The assessments fragment the impacts into specific environmental factors e.g., biodiversity, landscape etc, give no meaningful analysis of cumulative impacts. This is a serious flaw. For example, there is little analysis of:

- the impact on the City of Oxford when it is the major urban centre, the economic engine of the sub-region and in serious housing stress;
- the impact on Oxford's Green Belt - a fundamental planning/environmental policy constraint;
- impacts on Bicester and Kidlington - both sizable settlements close to the proposal site.

A17 Although we have these concerns about the SAs, we feel the overall conclusions in terms of strengths and weaknesses are about right. We welcome the overall SA of "C" for the Weston Otmoor proposal which we believe underlines its numerous inherent weaknesses as a proposal. This is the lowest grade – "only likely to be suitable for an eco-town with substantial and exceptional innovation." However, most of the weaknesses as a scheme stem from its physical characteristics and geographical location – which its promoters cannot alter. This underlines the problems in identifying sites via the unusual process of promoter bids rather than careful, methodical selection from agreed sustainability and locational criteria.

A18 Turning to the assessment of grade "B" for the Shipton-on-Cherwell site, this is very debatable. Based on criticisms of the assessments discussed above, this could easily be downgraded to a "C" if greater emphasis were given to spatial/locational planning impacts. Although the SA refers to potential impacts on Bicester, it overlooks the complex impacts of the Weston eco-town on Kidlington - a sizable settlement close to the proposal site. This is a serious flaw.

A19 Turning to the urban extension to Bicester -North West Bicester, a new proposal from Cherwell DC on which there is a lack of data. First impressions are that it appears to be more acceptable in overall spatial planning, community infrastructure and regeneration terms, and it may be that the grade "B" is appropriate. Halcrow's report commissioned by Cherwell DC concludes: "The initial masterplan ideas and analysis in this report suggest the concept of an eco-town type development in NW Bicester can be supported in principle and is worthy of further investigation and analysis. The location is at least as good as many of the other proposed eco-town locations and better than many - e.g. Weston Otmoor." Until more details are provided, we are unable to comment further at this stage.

Pennbury

A20 The proposal resembles an earlier proposal submitted to the RSS, which concluded disadvantages outweighed benefits. Urban regeneration and sustainable urban extensions can absorb development more sustainably. Further, the greatest need for development is within the Leicester-Burton-on-Trent corridor. Within Harborough District the policy is to ' focus development to the existing settlements of Market Harborough and Lutterworth.'

Impact on Regeneration

A21 There is a lack of evidence to back up the Coop's claims that the ' eco-town strategy will ...complement and support the key regeneration objectives of the area'. A report by Halcrow noted that Pennbury may compete with regeneration sites. In the current economic climate the eco-town could threaten urban regeneration in Leicester City.

Biodiversity/Habitats Regulation Assessments

A22 The SA implies the lack of national designated sites for biodiversity or BAP Priority Habitats means Pennbury has nothing worth protecting. Habitat creation and enhancement can

be carried out without constructing an eco-town. The SA should adopt the precautionary principle with regard to potential impacts on Rutland Water SPA & Ramsar site, or water quality in the Humber Estuary. There appears to have been no assessment made of alternative solutions in the HRA when considering impacts on a Natura 2000 site.

Climate Change and Flooding

A23 The SA states that the proposed development site is in a particular flood zone. However it ignores effects downstream along the River Soar on roads crossing the valley on the stretch between Leicester and Loughborough. To build a new town on the site proposed, given these circumstances and future climate change would be inappropriate.

Landscape

A24 The landscape around Pennbury is of high quality - an area of great beauty and tranquillity characteristic of High Leicestershire. This is important given its proximity to urban Leicester. Developing a new town in this rural, unspoilt setting would irretrievably damage this landscape.

Water Resources and Availability

A25 The Severn Trent Water Resources Management Plan does not currently consider the possibility of additional housing at Pennbury. Even without an eco-town the utility may struggle to meet demand resulting from additional housing for the Growth Point. Without a thorough analysis it is unclear whether long term costs of water resource management at Pennbury can be met.

Affordable Housing

A26 The SA notes that in 2001 Leicester was experiencing a level of overcrowding 4 per cent above the national average, and that provision of 15,000 new homes would improve this situation, as long as groups currently suffering from overcrowding are targeted. It is unlikely that an eco-town will alleviate overcrowding in Leicester City unless preference is given to city residents – in which case affordable homes should be provided within the City. The proportion of affordable housing proposed for the eco-town (30%) is less than that for the region (32%) which does not suggest an exemplar scheme.

Transport and Accessibility

A27 Recent transport studies show that Central Leicestershire has some of the region's worst congestion and little spare road capacity during peak periods. The SA claims that Employment Self-Containment could be high enough to not significantly affect congestion. This needs to be tested by modelling. It seems likely that the eco-town will become a dormitory settlement serving Leicester City and beyond, accessed by rail and the motorway network (M1/M69). The Co-Op envisage car ownership will be 0.5 per dwelling and that the majority of people will use public transport. It is unclear how these will be achieved. The Co-Op should provide guarantees that the best public transport links will be established in the first phase of development.

Agricultural Land and Previously Developed Land

A28 Much of the land in question does not appear to have been surveyed. There are differences in the way that Grade 3 land has been assessed. Grade 2 land lies in the vicinity of Glen Gorse and Oadby Lodge Farm. Significant portions of land surveyed prior to 1988 are Grade 3a. The SA implies that if the eco-town does not progress the area will remain largely agricultural land, as if this were a problem. However, valuable agricultural resources must be protected for future food security. Describing Leicester airfield as largely 'previously developed' is misleading. The land is cultivated and cropped right up to the runway edges.

Green Wedges

A29 The SA appears to downgrade the importance of Green Wedges. However a 2001 ODPM Report states ‘Green Wedges would follow the Leicestershire model, identifying areas of land that would help shape the form and direction of development. They would have a theme of linking town and country, and protecting high quality landscapes and access to the countryside for leisure.’

Economy and Employment

A30 The SA claims a key strength of Pennbury is the ‘opportunity for a high level self-sufficiency in terms of employment.’ The issue of employment self-containment demands a more rigorous study than the interim paper published by the Co-Op in support of its application. A settlement of the size proposed will not achieve a high degree of self-sufficiency unless it is situated beyond a critical distance from Leicester and its suburbs, or Market Harborough. It will inevitably affect the Travel To Work Area (TTWA). To substantiate the claims for self-containment an independent analysis of likely employment outcomes is required.

Key Strengths and Weaknesses

A31 The ‘key strengths’ listed in the SA are disingenuous. For example, claims for potential for wind and solar energy could be made for most locations in east Leicestershire. Indicators used to assess overall sustainability are selective and partial, thereby affecting the weight given to positive and negative aspects.

Rackheath

A32 A largely greenfield site, the SA describes the proposal as reliant on the delivery of a dual carriageway road (the Norwich Northern Distributor Route - NDR) but this impact is not appraised. Even though the road would bisect the settlement and clearly affects the settlement’s delivery, it is not appraised for community impact, carbon emissions, noise pollution or habitats assessment.

A33 The Habitats assessment is unsound as much of it is based on distances from key designated sites which apply to Coltishall but not to Rackheath. Water issues are also underplayed.

A34 Insufficient detail on the proposal is available to make a considered appraisal. The appraisal is sparse on the impacts of Rackheath, although by comparison with the earlier Coltishall proposal, development is likely to come out better in the appraisal.

Rossington

A35 The revised SA needs to be more balanced as the current draft focuses on the benefits of the scheme. As paragraph 1.5.4 makes clear the draft SA for Rossington focuses “primarily on the merits of the proposed location.” It ignores the detrimental impacts of the proposed Inland Port and assumes the detrimental environmental impacts can be mitigated. The absence of analysis into alternative methods of delivering sustainable housing in Doncaster is a significant omission within the draft SA.

A36 The site’s location adjacent to the M18 is a serious problem, which must be resolved. Without strict management and a commitment to maintain restrictions on private car use, the town’s eco-credentials will be seriously damaged. The SA should examine the detrimental impacts of the Inland Port and the environmental and financial implications of moving and/or treating the spoil heap.

St Austell China Clay Community

A37 Price Waterhouse Cooper's recent study for CLG concludes that the St Austell China Clay community proposal would require public subsidy, and that Cornwall's infrastructure (hospital provision, etc) is already overstretched. We continue to have serious concerns about the sustainability of this proposal. In the current economic context, with rising unemployment levels locally, it seems unlikely that additional jobs would be generated yet these will be essential for the proposal to succeed.

A38 As previously expressed, regeneration measures for the existing town of St Austell and its surrounding area are generally supported.

Whitehill/Bordon

A39 Major redevelopment is likely when the Army leave and this needs to be as eco-friendly as possible. An eco-town could "play an important role in delivering other planning and regenerative objectives". However, it would not be "separate and distinct", but part of the existing settlement.

A40 As the SA/HRA assessment points out, East Hampshire is one of the most diverse areas in Hampshire and the South East in terms of landscape, wildlife and habitats (which is why much of it is in the designated South Downs National Park). Some of the habitat assemblages and species populations represent significant strongholds in Britain and Europe. Accordingly, the SA / HRA is not encouraging for a development of the 5000 new dwellings stated to be the minimum for an eco-town. There is potential for a range of indirect impacts on the biodiversity of the area, including as a result of pollution and recreational impacts. It is not possible to conclude that W/B will not lead to adverse effects upon the surrounding European sites as a result of general "urbanisation" impacts.

A41 It may be that the number of new dwellings that can be accommodated will be less than the 5000 specified for an eco-town. However, there could still be critical mass for an eco-town if new dwellings are combined with (much necessary) replacement of existing poor quality dwellings, perhaps at higher densities. Such eco-development would "respond to the opportunities and challenges of [its] location and community aspirations". This sort of regenerative combination needs to be recognised in the PPS. The result could be more sustainable and provide more lessons for others than a "standard" eco-town.

A42 Increased recreational and transport pressures on the surrounding AONB and National Park are of concern. The National Park is close to the edge of the proposed development site. Due to an imbalance between jobs and workers, lack of shops and services, there is currently considerable out commuting to work and for shopping, education, health and other facilities. East Hampshire already performs poorly in terms of CO2 emissions from road transport. Yet W/B is not "well linked to higher order centres". It is served mainly by poor quality roads. There is little public transport. Travel out is highly car based. As well as putting more employment and better facilities within W/B, to be an effective eco-town and protect the surrounding high quality countryside W/B needs good public transport links. This means utilising the former Bordon-Bentley light railway as a tram-train or bus rapid transit system, as proposed by the Challenge Panel, and / or a new rail link into Liphook.

CPRE

April 2009

CAMPAIGN TO PROTECT RURAL ENGLAND

DRAFT PLANNING POLICY STATEMENT: ECO-TOWNS

OPINION

1. As announced in the Housing Green Paper, the Department of Communities and Local Government have published as a consultation document a draft Planning Policy Statement on eco-towns (the draft PPS).
2. As requested I have reviewed the draft PPS together with the Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA) which were published contemporaneously with it. I have also seen the Joint Opinion prepared for the LGA on 2nd July 2007; a letter concerning the draft PPS sent by Cherwell DC to the Treasury Solicitor on 16th January 2009; and also the judgment of Mr Justice Walker in the case brought by the Bard Campaign, which was handed down on 25th February 2009.
3. Upon reading the draft PPS it is apparent that the government have taken on board a number of the trenchant criticisms made in the LGA Joint Opinion and also by others. The draft PPS expressly provides that eco-towns “should be considered in the same way as any other major development proposal”, and that in accordance with the plan-led system, “the development plan remains the starting point for the determination of these applications” (paragraphs 2.5 & 2.6). However by identifying specific locations which have been selected through the Eco-towns Programme and listing these in an Annex to the draft PPS, the

government are creating an anomaly that has the potential for subverting the plan led system which it professes to be maintaining.

4. In so far as the draft PPS states that sites identified as potential eco-towns should be considered as part of the RSS or LDF process, this is in itself unexceptional. However the comment in paragraph 2.4 that “there is no requirement to allocate an eco-town if a better way of meeting future needs exists” sits uneasily with the statutory requirement that “in preparing a local development document the local planning authority must have regard to (a) national policies and advice contained in guidance issued by the Secretary of State”, see section 19(2) Planning and Compulsory Purchase Act 2004. Notwithstanding the comment in paragraph 2.4, the inclusion of specific locations in the Secretary of State’s guidance, which the Secretary of State requires are to be given ‘material weight’ (paragraph 2.9), may unduly constrain local planning authorities in the exercise they have to conduct in the preparation of local development documents.
5. However eco-friendly a new settlement may be, it is clearly likely to have a significant impact upon a local planning authority’s area, and in this regard it should be noted that the upper end of the size range for an eco-town has now been increased from 10,000 to 20,000 homes (paragraph 4.1, draft PPS). The draft PPS quite correctly recognises that they would comprise major development proposals. In accordance with a plan-led approach, decisions about proposed development, and certainly in relation to proposals on the scale envisaged, should be considered through the preparation of the Development Plan Documents. This enables consultation and public participation with proper consideration of alternative ways of meeting the needs of the area. It is a fundamental part of the process for the local planning authority to weigh the options and formulate its development plan policies accordingly. The amount of weight to attribute to the particular material considerations, including alternative proposals, is pre-

eminently a matter for the decision-making local planning authority, see *Tesco Stores v Secretary of State* [1995] 2 All ER 636 HL, per Lord Keith at 642 and Lord Hoffman at 657. By the identification of these selected sites outside that process, and requiring that they be given “material weight” the government would be usurping the function of the local planning authorities and distorting the plan making process.

6. The problem also arises in the handling of applications for planning permission for the development of eco-towns in cases where the sites have not been identified in development plans. In such cases the draft PPS states that the application for an eco-town “should be considered on its merits, taking into account material considerations” (paragraph 2.8). It also states that the identification of a site within the list of locations annexed to the PPS will itself be a material consideration (paragraph 2.7), and moreover a consideration which should be given “material weight” (paragraph 2.9).
7. Through the stipulation that material weight should be given to the fact that a site has been identified through the Eco-towns Programme the government is requiring that it be accorded a favourable presumption above any other sites or alternative ways of meeting the needs of the area. This is contrary to the principle, discussed above, that it is for the local planning authority to decide what weight should be attributed to the various material considerations. Furthermore in a case where a Development Plan Document is being prepared or under review, it would be premature to treat an application favourably just because it has emerged through the Eco-towns Programme. As paragraph 17 of the companion document to PPS 1 “The Planning System: General Principles” states, refusal on prematurity grounds may be appropriate in cases where a proposed development is so substantial “that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new

development which are being addressed in the policy in the DPD”. Site specific allocations, especially for major development proposals should be examined in the LDF process.

8. In my opinion the proposal to include as an Annex to the PPS a list of sites which have been identified as suitable locations to be given material weight is fundamentally flawed. It would be an anomaly as I am unaware of any other situation in the PPS or PPG system in which national planning guidance has sought to identify site specific locations for particular forms of new development. It would subvert the plan led system by effectively removing such allocations from the LDF process and would usurp the function of the local planning authorities concerned.
9. The draft PPS and also the short-listed eco-town locations have been the subject of a Sustainability Appraisal and a Habitats Regulation Assessment. Although it is purported to have evaluated the “eco-town locations and reasonable alternatives” the approach which has been adopted is defective. As summarised on page 66 of the non-technical summary, the only alternatives considered were those which were “deemed to fulfil the broad eco-town criteria”. There was no attempt to consider and compare alternative means of meeting the housing needs of the areas, for example by brown field development or urban extensions.
10. In paragraph 31 of the Introduction to the draft PPS it is stated that planning applications for eco-towns will also need to include a detailed Environmental Impact Assessment. The fact that a further and more detailed assessment will be provided with a planning application does not excuse a failure to carry out an assessment in accordance with the requirements of the SEA Directive when promulgating proposals which include the identification of specific locations for development. In his judgment at paragraph 144 in the *Bard* case, Walker J

records the Secretary of State as indicating that “she will undertake a SA in full compliance with the SEA Directive”. Unfortunately she has so far failed to do so.

11. Article 5(1) of the Directive stipulates that:

“... an environmental report shall be prepared in which the likely effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified and evaluated...”
12. “Reasonable alternatives” to an eco-town are not confined simply to sites which meet “the broad eco-town criteria”, but also embrace other ways of meeting the housing needs of the area. As mentioned above they might include development on brown field sites or urban extensions.
13. The failure to carry out a proper assessment of alternatives is contrary to the terms of the SEA Directive, and if the final version of the PPS includes the list of identified sites without any further assessment it would be unlawful.
14. In conclusion therefore I consider that, apart from the identification of the short-listed sites, there is very little if anything in the draft PPS which is not already reflected in existing guidance, such as PPS 1 (and its supplement: Planning and Climate Change”) and PPS 3, or could be with some slight amendments. However the promulgation of a list of identified sites in national policy guidance would represent a anomalous departure that would undermine the plan-led system. It would constitute a potentially unlawful interference with the statutory functions of local planning authorities in drawing up development plans and determining planning applications. The inclusion of the list of sites without a proper consideration of alternatives as part of the SA would also be unlawful.

JOHN HOBSON QC

19th March 2009