



Department for
Communities and
Local Government

Cancellation of Planning Policy Statement: eco-towns - a supplement to Planning Policy Statement 1

Determination under regulation 9 of the Environmental
Assessment of Plans and Programmes Regulations 2004



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Cancellation of Planning Policy Statement: eco-towns - a supplement to Planning Policy Statement 1 Determination under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004

Introduction

1.1 This statement sets out the reasons for the Secretary of State for Communities and Local Government's determination under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 2004 Regulations) that the proposed cancellation of *Planning Policy Statement: eco-towns - a supplement to Planning Policy Statement 1* (hereby referred to as the 'eco-towns planning policy statement') is unlikely to have significant environmental effects (and, accordingly, does not require an environment assessment). The 2004 Regulations transpose Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment Directive).

Strategic Environmental Assessment

2.1 Under the requirements of the Strategic Environmental Assessment Directive and the 2004 Regulations, certain plans and programmes that set the framework for the future development consent of projects require a Strategic Environmental Assessment. In some cases, the requirement is automatic because the plan or programme is prepared for certain purposes, or requires assessment under Directive 92/43/EEC (the Habitats Directive). This is subject to exceptions for plans or programmes that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan or modification is unlikely to have significant environmental effects. In other cases, Strategic Environmental Assessment is required only if the plan or programme is likely to have significant environmental effects.

2.2 The Government recognises that a Sustainability Appraisal (incorporating a Strategic Environmental Assessment and Habitats Regulations Assessment) was prepared for the original eco-towns planning policy statement, in the context of the now dismantled eco-towns programme, and that Annex A to the eco-towns planning policy statement contained site-specific locations which were deemed suitable to support eco-towns. Given this, it made a commitment in a Written Ministerial Statement¹ that:

"In the context of the cancellation of the [eco-towns] programme and the consolidation of planning policy and guidance, we are therefore proposing to cancel the 2009 eco-towns planning policy statement and will undertake a strategic environmental assessment to comply with the EU law on this issue."

¹ Written Ministerial Statement -24 January 2014, found at:
<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140124/wmstext/140124m0001.htm>

2.3 Under Regulation 9(1) of the 2004 Regulations, the Secretary of State must determine if a plan, programme or modification of a plan or programme which is within the scope of the Strategic Environmental Assessment Directive/2004 Regulations is likely to have significant environmental effects. Where the Secretary of State determines that the proposal is unlikely to have significant environmental effects (and, accordingly, does not require a Strategic Environmental Assessment), then under regulation 9(3) he must prepare a statement of reasons for this determination. **This statement is the Secretary of State's regulation 9(3) statement in respect of the proposed cancellation of the eco-towns planning policy statement.**

Background to the proposed cancellation of the eco-towns planning policy statement

3.1 The eco-towns planning policy statement was published by the previous Government in July 2009. It sets out a range of minimum standards that are more challenging and stretching than would normally be required for new development, with the aim of delivering eco-town developments that are 'exemplars of good practice and provide a showcase for sustainable living'.

3.2 The eco-towns planning policy statement sets out the principles underpinning eco-towns, the locational criteria that should be given consideration when identifying suitable locations, the role of Regional Spatial Strategies, the consideration by local planning authorities as an option for the distribution of housing within Local Development Frameworks, how eco-towns should be considered through the development consent process, and arrangements for monitoring.

3.3 The eco-towns planning policy statement also includes Annex A, which identifies the following four locations with the potential to be eco-towns:

- Whitehill-Bordon.
- Rackheath.
- North-West Bicester.
- St Austell (China Clay Community).

3.4 As of February 2015, as far as the Department for Communities and Local Government is aware, no additional locations have been proposed through the Local Plan process as potential eco-towns.

3.5 The eco-towns programme, and its associated funding, was wound up shortly after the Coalition Government was elected in May 2010. The Government has no outstanding financial liabilities in connection with the disbanded eco-towns programme.

3.6 On 24th January 2014, the Secretary of State for Communities and Local Government published a Written Ministerial Statement that announced the Government's proposal to cancel the eco-towns planning policy statement.

The Strategic Environmental Assessment screening process

- 3.7 The Secretary of State appointed Land Use Consultants to prepare the attached screening report to inform his determination under regulation 9 of the 2004 Regulations.
- 3.8 The screening report concludes that the proposed cancellation of the eco-towns planning policy statement is unlikely to give rise to significant environmental effects, and accordingly does not require Strategic Environmental Assessment (see in particular paragraphs 3.39 and 3.40).
- 3.9 The screening process included an assessment of each component of the eco-towns planning policy statement and whether there is equivalent policy or legislation elsewhere that would still be in place in the event of its cancellation. This assessment is set out in Table 3.2 of the screening report. In summary, Land Use Consultants conclude that other national policy addresses at least to some extent most of the themes covered by the criteria in the eco-towns planning policy statement. Although in several cases the alternative policy/standards are less specific and are less stringent than those set out in the eco-towns planning policy statement, there is evidence to indicate that the stringent standards set out in the eco-towns planning policy statement are highly unlikely to all be achieved in any single development anyway, as this could prevent the developments from being financially viable. Legislation such as the 2004 Regulations and the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 and the associated requirements for monitoring should help to ensure that significant (adverse) environmental effects are avoided or mitigated in development. Therefore, while there may be some minor effects of cancellation of the eco-towns planning policy statement, the likely effects are not considered to be significant.
- 3.10 In accordance with regulation 9(2) of the 2004 Regulations, the Secretary of State consulted the consultation bodies (the Environment Agency, English Heritage and Natural England) on the screening report in draft. A summary of the statutory consultees' responses, and how those comments received have been taken into account, is set out in Appendix 1 of the screening report.

Strategic Environmental Assessment determination with reasons

- 4.1 The Secretary of State accepts the findings and conclusions set out in the screening report. The Secretary of State therefore determines that the proposed cancellation of the eco-towns planning policy statement is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment).
- 4.2 This determination was made on 4 March 2015.