



Department for
Communities and
Local Government

Strategic Environmental Assessment/ Habitats Regulations Assessment Screening Report of the proposed cancellation of Planning Policy Statement 1 Eco-towns supplement



© Queen's Printer and Controller of Her Majesty's Stationery Office, 2015

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

March 2015

ISBN: 978-1-4098- 4513-3

Contents

	<i>Page number</i>
Introduction.....	4
Background to the Eco-towns supplement to Planning Policy Statement.....	6
Strategic Environmental Assessment Screening.....	11
Habitats Regulations Assessment Screening.....	51
Conclusion.....	54
Appendix 1: Comments Received from Statutory Consultees on Draft Strategic Environmental Assessment Screening Report.....	56

1 Introduction

1.1 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 supplement to Planning Policy Statement 1.

1.2 The Department for Communities and Local Government wish to determine whether the proposal to cancel the Eco-towns supplement to Planning Policy Statement 1 will require a Strategic Environmental Assessment under the Strategic Environmental Assessment Regulations¹ and/or a Habitats Regulations Assessment under the Habitats Regulations²:

- Strategic Environmental Assessment is a process of environmental assessment required for certain plans and programmes by an European Union Directive (2001/42/EC) (as transposed into UK law by the Strategic Environmental Assessment Regulations) to ensure that the likely significant environmental effects of implementing the plans or programmes are taken into account during their preparation and before their adoption.
- Habitats Regulations Assessment is a process to assess the significant adverse effects of a plan or project on European habitats or species under the Habitats Directive (92/43/EEC) (implemented in UK through the Habitats Regulations). Where significant adverse effects are identified, either alone or in-combination with other plans or projects, alternative options should be examined to avoid any potentially damaging effects.

1.3 LUC was commissioned by the Department for Communities and Local Government in July 2014 to undertake a screening exercise to come to conclusions as to whether Strategic Environmental Assessment and/or Habitats Regulations Assessment are required. This report sets out the findings of the screening process.

1.4 A draft version of this report was sent to the three statutory consultation bodies (English Heritage, Environment Agency and, Natural England) for comment in August 2014. In particular, the following questions were asked:

- Consultation Question 1: Based on the information provided in this report, do the statutory consultation bodies agree with us that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 Eco-towns is unlikely to have significant effects on the environment (and, accordingly, does not require environmental assessment)?
- Consultation Question 2 (Natural England only): Based on the information provided in this report, does Natural England consider that the proposed

¹ The Environmental Assessment of Plans and Programmes Regulations 2004 (SI No. 1633)

² The Conservation of Habitats and Species Regulations 2010 (as amended) (SI No. 490)

cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have a significant effect on a European site (either alone or in combination with other plans or projects), and therefore the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 does not require appropriate assessment under the Habitats Regulations?

1.5 The comments received during the consultation from the Environment Agency and Natural England are presented in Appendix 1 of this report and were taken into account as the report was finalised. English Heritage was also consulted but did not respond.

1.6 The screening report is structured as follows:

- Chapter 2 describes the Eco-towns supplement to Planning Policy Statement 1 and the Sustainability Appraisal and Habitats Regulations Assessment work previously undertaken.

- Chapter 3 sets out the findings of the Strategic Environmental Assessment screening of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1.

- Chapter 4 sets out the findings of the Habitats Regulations Assessment screening of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1.

- Chapter 5 summarises the conclusions of the screening exercise.

2 Background to the Eco-towns supplement to Planning Policy Statement 1

The Eco-towns supplement to Planning Policy Statement 1

Historical context

2.1 The Eco-towns supplement to Planning Policy Statement 1 was published by the Government in July 2009. Paragraph 3 of the Eco-towns supplement to Planning Policy Statement 1 stated that:

“This PPS sets out a range of minimum standards which are more challenging and stretching than would normally be required for new development....The standards act to ensure that eco-towns are exemplars of good practice and provide a showcase for sustainable living, and allow Government, business and communities to work together to develop, greener, low carbon living”.

2.2 The Eco-towns supplement to Planning Policy Statement 1 sets out the principles underpinning eco-towns (Section ET 1), the locational criteria that should be given consideration when identifying suitable locations (Section ET 2), the role of Regional Spatial Strategies³ (Section ET 3), the consideration by local planning authorities as an option for the distribution of housing within Local Development Frameworks⁴ (Section ET 4), how eco-towns should be considered through the development consent process (Section ET 5), and arrangements for monitoring (Section ET 6).

2.3 The Eco-towns supplement to Planning Policy Statement 1 included ‘minimum’ standards for the following areas:

- Zero carbon (Section ET 7).
- Climate change adaptation (Section ET 8).
- Homes (Section ET 9).
- Employment (Section ET 10).
- Transport (Section ET 11).
- Healthy lifestyles (Section ET 12).
- Local services (Section ET 13).
- Green infrastructure (Section ET 14).
- Landscape and historic environment (Section ET 15).
- Biodiversity (Section ET 16).
- Water (Section ET 17).
- Flood risk management (Section ET 18).

³ Note: All Regional Spatial Strategies have now been largely revoked

⁴ Note: now referred to as ‘Local Plans’ under the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI No. 767)

- Waste (Section ET 19).

2.4 The Eco-towns supplement to Planning Policy Statement 1 also provided guidance on what was to be expected of eco-towns with respect to:

- Master planning (Section ET 20).
- Transition (Section ET 21).
- Community and governance (Section ET 22).

2.5 The Eco-towns supplement to Planning Policy Statement 1 also included Annex A, which identified four locations with the potential to be eco-towns and for which consideration should be given to in identifying suitable locations for eco-towns (ET 2.2):

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

2.6 These were earmarked to receive continuing Government support including a share of a special £60 million growth fund to support local infrastructure. In addition, the Government set up a fund of £5 million to support other areas to carry out further assessment and technical work including potential future locations to come through plans in other regions.

2.7 The four eco-town locations named in Annex A of the Eco-towns supplement to Planning Policy Statement 1 were selected from an original long-list of over 40 locations, 15 of which were short-listed and subject to Strategic Environmental Assessment.

Current situation

2.8 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.

2.9 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.

2.10 One new town proposal, Cranbrook in East Devon⁵, is referred to in the local planning authority's proposed submission Local Plan as "*being developed as a modern market town to eco-town standards*", but this proposal pre-dates the Eco-towns supplement to Planning Policy Statement 1, and there is no specific reference in the Local Plan policy to the 'minimum' standards set down in the Eco-

⁵ East Devon District Council (November 2012) The East Devon Local Plan 2006–2026 – Proposed Submission (Publication)

towns supplement to Planning Policy Statement 1. The Government provided £200,000 in March 2010 to assist with the costs of developing the Masterplan, on the expectation that it would help meet the standards in the Eco-towns supplement to Planning Policy Statement 1. However, this was before the current Government cancelled the Eco-towns Programme. Planning consent has now been granted for Cranbrook. It is therefore not dependent upon the Eco-towns supplement to Planning Policy Statement 1 with respect to design standards.

2.11 The latest status of the four named locations in Annex A is as follows:

- **Whitehill-Bordon**

The Joint Core Strategy for East Hampshire and South Downs National Park was adopted in May 2014, and includes detailed policy supporting the development of Whitehill-Bordon. The planning application for this site has been submitted to the Council and is due to be considered by its planning committee this spring. If planning permission is given then work on site is expected to start in early 2016.

- **Rackheath**

The Joint Core Strategy for Broadland, Norwich and South Norfolk was adopted in January 2014 and, while it makes references to the proposed 'exemplar' and 'low carbon' development at Rackheath, it is not detailed in the Plan as an eco-town. To date no planning applications have been submitted to the Council for this site.

- **North-West Bicester:**

A Masterplan for the site was submitted to Cherwell Council in March 2014. The Council has received five applications for the North West Bicester site:

- **14/01384/OUT** - Application for 2,600 residential dwellings (Class C3), commercial floorspace (Class A1 - A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (Up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application (reference 10/01780/HYBRID). It is understood that this application is scheduled to be considered by the Planning Committee in March 2015.
- **14/01641/OUT** Application to provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1).
- **14/01675/OUT** Application for the erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha, parking and

service areas to serve the employment zones, a new access off the Middleton Stoney Road (B4030), temporary access of Howes Lane pending the delivery of the realigned Howes Lane, 4.5ha of residential land, internal roads, paths and cycleways, landscaping including strategic green infrastructure (G1), provision of sustainable urban drainage systems (SuDS) incorporating landscaped areas with balancing ponds and swales;

- **14/01968/F (Road)** – Application for the construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and a one way route northbound from Shakespeare Drive where it joins with the existing Howes Lane with priority junction and associated infrastructure;
- **14/02121** – Application for the development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). To also include provision of strategic landscaping, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).

- **St Austell (China Clay Community):**

Cornwall's Local Plan is due to be submitted to the Planning Inspectorate for examination shortly. It is expected to be adopted in autumn 2015. The October 2012 St Austell, St Blazey and China Clay Area Regeneration Plan sets out criteria relating to transformational development projects. A planning application relating to the sites was submitted to the Council in December 2014 and is expected to be determined by 1 May 2015.

Sustainability Appraisal and Habitats Regulations Assessment of Eco-towns supplement to Planning Policy Statement 1

2.12 A Sustainability Appraisal and Habitats Regulations Assessment of the Eco-towns supplement to Planning Policy Statement 1 was undertaken prior to its publication⁶. The Sustainability Appraisal and Habitats Regulations Assessment

⁶ Scott Wilson (November 2008) Sustainability Appraisal and Habitats Regulations Assessment of the Draft Eco-towns Planning Policy Statement

were undertaken both of the draft Planning Policy Statement and of the 15 short-listed locations under the Eco-towns Programme.

Sustainability Appraisal

- 2.13 The Sustainability Appraisal compared the likely situation without the draft Eco-towns supplement to Planning Policy Statement 1 (i.e. 'business as usual') and the likely situation with the draft Eco-towns supplement to Planning Policy Statement 1 for each of the 'topic' standards in the Eco-towns supplement to Planning Policy Statement 1. The Sustainability Appraisal found that there would be an improvement over business as usual through implementing the Eco-towns standards for the following topics: zero carbon in eco-towns; climate change adaptation; homes; employment; transport; green infrastructure; biodiversity; water; and waste. The Sustainability Appraisal did not find any discernible improvement over business as usual for local services; and it appeared to reach uncertain conclusions with respect to flood risk management. Where improvements over business as usual were identified, it was not stated what the effects would be, nor whether these would be significant or not.
- 2.14 The Sustainability Appraisal also identified a number of risks attached to implementation of the draft Planning Policy Statement, including negative effects, and put forward recommendations for mitigation and improvement (e.g. a section on landscape and the historic environment, and a section on location criteria) that were reflected in the final Eco-towns supplement to Planning Policy Statement 1.
- 2.15 A separate Sustainability Appraisal was undertaken for each of the 15 potential eco-town locations.

Habitats Regulations Assessment

- 2.16 The draft Planning Policy Statement was screened out from requiring further Habitats Regulations Assessment including Appropriate Assessment, on the grounds that "it was unlikely in itself to give rise to adverse effects on European sites".
- 2.17 Although Habitats Regulations Assessment screening determined that Appropriate Assessment was not required for the draft Planning Policy Statement, it was concluded that some of the short-listed 15 potential eco-town locations did require Appropriate Assessment.

3 Strategic Environmental Assessment Screening

Introduction

3.1 The Strategic Environmental Assessment Screening process for the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 has comprised three main considerations:

1. Whether the Eco-towns supplement to Planning Policy Statement 1 can be considered to be a 'plan' or 'programme' for the purposes of Strategic Environmental Assessment.

2. What policy guidance and standards would exist in the absence of the Eco-towns supplement to Planning Policy Statement 1.

3. What the implications would be of the proposed cancellation of Annex A of the Eco-towns supplement to Planning Policy Statement 1.

3.2 Based on the findings, the screening exercise comes to conclusions as to whether a Strategic Environmental Assessment is required for the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1.

1. Is the Eco-towns supplement to Planning Policy Statement 1 a plan or programme for the purposes of Strategic Environmental Assessment?

3.3 This question is essentially a legal question, and can only ultimately be determined by the judgment of the Courts.

3.4 When the Commission's proposal for the Strategic Environmental Assessment Directive was published⁷, it was clear that the focus of the proposed Strategic Environmental Assessment Directive was to be: "*restricted to the plan and programme level of decision-making. It does not apply to the more general policy level of decision making at the top of the decision-making hierarchy*".

3.5 The Commission's proposal went on to clarify that:

"The Proposal is restricted to town and country planning plans and programmes and to plans and programmes which are adopted as part of the town and country planning decision-making process for the purpose of setting the framework for subsequent development consent decisions which will allow developers to proceed with projects. Such town and country planning plans or programmes define the use of land and contain provisions on nature, size, location or operating conditions of installations or activities in different sectors relevant to town and country planning".

⁷ Commission of the European Communities (Brussels 04.12.1996) Proposal for a COUNCIL DIRECTIVE on the assessment of the effects of certain plans and programmes on the environment (COM(96) 511 final)

3.6 This intention appears to continue to be the interpretation of the European Commission. For example, in its 2009 review of the effectiveness of the Strategic Environmental Assessment Directive, the Commission found that⁸:
“the SEA Protocol goes further than the SEA Directive, in that it also encourages potential application to certain policies and legislation. The fact that the SEA Directive does not apply to policies which set the framework of plans and programmes makes it necessary to consider the possible inclusion of policies and legislation in the application of the Directive as an option for the future”.

3.7 Despite this recommendation of the Commission, no amendments have yet been made to the Strategic Environmental Assessment Directive.

3.8 The Government recognises that an Sustainability Appraisal (incorporating Strategic Environmental Assessment and Habitats Regulations Assessment) was prepared for the original Eco-towns supplement to Planning Policy Statement 1, in the context of the now dismantled Eco-towns Programme, and that Annex A to the 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 Statement⁹ that it would:

“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.”

3.9 This Screening Report is therefore prepared in accordance with the process set out in the Strategic Environmental Assessment Directive and Regulations.

2. What policy guidance and standards would exist in the absence of the Eco-towns supplement to Planning Policy Statement 1?

3.10 In order to determine whether there is a need to proceed with Strategic Environmental Assessment beyond the screening stage, it is necessary to determine whether the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is likely to give rise to significant environmental effects¹⁰. In order to determine the answers to these questions, we have carried out two exercises:

- First, an assessment against Schedule 1 of the Strategic Environmental Assessment Regulations, which presents the ‘Criteria for determining the likely significance of effects on the environment’.

⁸ Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application of the effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC)/ * COM/2009/0469 final */

⁹ Written Ministerial Statement -24 January 2014, found at:
<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140124/wmstext/140124m0001.htm>

¹⁰ Following the principles established in European case law (*Case C-567/10 Inter-Environnement Bruxelles ASBL v Région de Bruxelles-Capitale*)

- Second, an assessment of what current policy and/or standards would be likely to be in place in the absence of the Eco-towns supplement to Planning Policy Statement 1.

Assessment against Schedule 1 of the Strategic Environmental Assessment Regulations

3.11 The criteria for determining the likely significance of effects on the environment in Schedule 1 of the Strategic Environmental Assessment Regulations are listed in the box below.

Criteria for determining the likely significance of effects (Schedule 1 of Strategic Environmental Assessment Regulations)

1. The characteristics of plans and programmes, having regard, in particular, to:

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

3.12 Table 3.1 describes the characteristics of the Eco-towns supplement to Planning Policy Statement 1 with respect to each of the criteria listed in Schedule 1 of the Strategic Environmental Assessment Regulations. This shows that, although the Eco-towns supplement to Planning Policy Statement 1 sets national policies relating to the consideration of eco-towns in Local Plans, the framework for development of eco-towns is set by Local Plans. Paragraph ET 1.1 states that:

“Eco-towns should develop unique characteristics by responding to the opportunities and challenges of their location and community aspirations. Eco-town proposals should meet the standards as set out in this PPS or any standards in the development plan which are of a higher standard. Developers and local planning authorities will need to consider how they should be applied in practice, recognising the unique nature of the site.”

3.13 Para ET 4.2 goes on to state that:

“Local planning authorities who have within their area an eco-town location in Annex A should consider the eco-town as an option for the distribution of housing. There is no requirement to allocate an eco-town if a better way of meeting future needs exists. The Adopted Plan should set out the most appropriate strategy when considered against reasonable alternatives.”

3.14 As a result, the identification and evaluation of the effects of eco-town proposals can only really usefully be determined at the local level through the Local Plan preparation process.

Table 3.1: Description of the characteristics of the Eco-towns supplement to Planning Policy Statement 1 with respect to the criteria set out in Schedule 1 of the Strategic Environmental Assessment Regulations

Criteria for determining the likely significance of effects (Schedule 1 of the Strategic Environmental Assessment Regulations)	Description of the characteristics of the Eco-towns supplement to Planning Policy Statement 1, having regard to the Schedule 1 criteria (in first column)
The characteristics of plans and programmes, having regard, in particular, to:	
— The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Eco-towns supplement to Planning Policy Statement 1 sets national policies for the consideration of eco-towns in the preparation of development plans, and includes criteria relating to the location, nature, size and operating conditions of those communities. However, while the Eco-towns supplement to Planning Policy Statement 1 sets out general principles and standards for eco-town development, the potential effects of developing individual sites cannot be determined at the national level as the framework for the development of eco-towns is set by the Local Plan. The Eco-towns Programme has now been wound up, so the Government no longer allocates resources to the delivery of eco-towns.
— The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Eco-towns supplement to Planning Policy Statement 1 influences policies relating to Eco-towns in Local Plans, including the criteria set out for development in those communities. The detailed criteria set out in the Eco-towns supplement to Planning Policy Statement 1 are likely to influence the requirements for development of eco-towns as set out in Local Plans. As well as Local Plans, Supplementary Planning Documents and other local planning documents may be influenced.
— The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The Eco-towns supplement to Planning Policy Statement 1 is very relevant to the integration of environmental considerations and the promotion of sustainable development.
— Environmental problems relevant to the plan or programme.	The Eco-towns supplement to Planning Policy Statement 1 covers a wide range of policy areas associated with various aspects of sustainable development. The Eco-towns supplement to Planning Policy Statement 1 seeks to ensure that

	development meets high standards of sustainability.
— The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The Eco-towns supplement to Planning Policy Statement 1 makes reference to the requirements of the Habitats Directive but does not directly relate to its implementation. The issues covered in the criteria in the Eco-towns supplement to Planning Policy Statement 1 are relevant to Strategic Environmental Assessment in that they address various aspects of sustainable development, but relate more to how the eco-town proposal would perform in a Strategic Environmental Assessment rather than relating directly to the implementation of the legislation.
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
— The probability, duration, frequency and reversibility of the effects.	While the Eco-towns supplement to Planning Policy Statement 1 applies to England, the guidance would be applied through eco-town developments at the local level. Therefore, the probability, duration, frequency and reversibility of effects can only be determined at the local scale during the determination of planning applications for eco-towns. However, construction effects could be assumed to be temporary, while effects from operation of eco-towns would be ongoing.
— The cumulative nature of the effects.	It is not likely that numerous eco-towns would be developed in close proximity. In addition, the potential cumulative effects of developing eco-towns cannot be determined at the national level, as implementation of the Eco-towns supplement to Planning Policy Statement 1 will occur through the preparation of Local Plans and through the determination of relevant planning applications at the local level. Therefore, cumulative effects should be considered through the Strategic Environmental Assessments and site selection work during preparation of Local Plans, and during determination of planning applications.
— The trans-boundary nature of the effects.	The Eco-towns supplement to Planning Policy Statement 1 relates to England only. Any eco-town developments within close proximity of Scotland and Wales could potentially have effects there, but not outside of the UK. Therefore, there should not be trans-boundary effects arising from implementation of the Eco-towns supplement to Planning Policy Statement 1.
— The risks to human health or the	The potential effects of the development of eco-towns on human health cannot be

environment (e.g. due to accidents).	determined at the national level, as implementation of the Eco-towns supplement to Planning Policy Statement 1 will occur through the preparation of Local Plans, and the determination of planning applications for eco-towns at the local level. However, the criteria set out in the Eco-towns supplement to Planning Policy Statement 1 are likely to ensure that human health is not adversely affected by the development of eco-towns.
— The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	While the Eco-towns supplement to Planning Policy Statement 1 covers England, the implementation of its policies will occur through the preparation of Local Plans, and through the determination of planning applications for eco-towns at the local level. Therefore, potential effects from the development of eco-towns are likely to be sub-regional or local in scale and may only directly affect residents or adjacent uses in close proximity to the site. Effects on nature conservation sites or landscapes may occur at greater distances depending on connectivity between development sites and receptor sites, or visibility of the development within the landscape. However, these effects can only be determined at the local scale during preparation of Local Plans and/or determination of planning applications.
<p>— The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> • special natural characteristics or cultural heritage; • exceeded environmental quality standards or limit values; • intensive land-use. 	The potential effects of the development of individual eco-towns cannot be determined at the national level, as implementation of the Eco-towns supplement to Planning Policy Statement 1 will occur through the preparation of Local Plans and through the determination of planning applications for eco-towns at the local level. However, the criteria set out in Sections 15 and 17 of the Eco-towns supplement to Planning Policy Statement 1 are likely to ensure that areas of special natural characteristics or cultural heritage are not adversely affected, and that environmental quality standards are not exceeded, by the development of eco-towns.
— The effects on areas or landscapes which have a recognised national, Community or international protection status.	The potential effects of the development of individual eco-towns cannot be determined at the national level, as implementation of the Eco-towns supplement to Planning Policy Statement 1 will occur through the preparation of Local Plans and through the determination of planning applications for eco-towns at the local level. However, the criteria set out in section ET15 of the Eco-towns supplement to Planning Policy Statement 1 are likely to ensure that landscapes of national or international importance are not adversely affected by the development of eco-towns.

- 3.15 Table 3.2 sets out, for each component of the Eco-towns supplement to Planning Policy Statement 1, the policies and regulations that would apply if the Eco-towns supplement to Planning Policy Statement 1 were to be cancelled. The purpose of this exercise was to determine whether there would be likely to be a loss, dilution or weakening of the standards that apply to eco-towns.
- 3.16 The assessment shows that other national policy addresses at least to some extent most of the themes covered by the criteria in the Planning Policy Statement. Paragraph 17 of the National Planning Policy Framework sets out 12 'core planning principles' that should underpin both plan-making and decision-taking, which address many of the matters covered by the Eco-towns supplement to Planning Policy Statement 1. In particular, the National Planning Policy Framework contains guidance relating to issues including low carbon development, climate change adaptation, accessibility, sustainable transport, health, biodiversity, landscape and cultural heritage.
- 3.17 Other policy/standards such as those set out in the (soon to be amended) Building Regulations and the Technical Guidance to the National Planning Policy Framework are also relevant and would continue to apply. In several cases the alternative policy/standards are less specific and are less stringent than those set out in the Eco-towns supplement to Planning Policy Statement 1. For example, while the National Planning Policy Framework provides policy support for the provision of affordable housing, no national standard is set out – in contrast, the Eco-towns supplement to Planning Policy Statement 1 requires a 30% provision rate within eco-town developments.
- 3.18 Similarly the Eco-towns supplement to Planning Policy Statement 1 refers to the need for development to achieve Code for Sustainable Homes Level 5/6 for water; however the ongoing Housing Standards Review has resulted in some of the requirements of the Code for Sustainable Homes being lost and others proposed to be moved into the Building Regulations. Subject to the Deregulation Bill gaining Royal Assent towards the end of March 2015, a planning written ministerial statement will be issued as part of a package of new optional technical standards that authorities (and agencies) may draw from in future if they wish to set higher than Building Regulation Standards for new housing. The statement will allow a legacy period for the operation of existing standards for the theme areas which were subject to consultation in summer 2014. Thereafter where technical standards are to be applied, they will need to comply with the Government's standards. All other higher technical housing standards will effectively be superseded from March onwards (including the Code for Sustainable Homes).
- 3.19 It could therefore be concluded that for some issues, there would be a dilution or weakening of the standards that apply to eco-towns if the Eco-towns supplement to Planning Policy Statement 1 were to be cancelled.

- 3.20 However, information obtained during telephone interviews with officers from the local authorities that include the eco-town locations named in Annex A have indicated that the stringent standards set out in the Eco-towns supplement to Planning Policy Statement 1 are highly unlikely to all be achieved in any single development, as this could prevent the developments from being financially viable. While development on the ground has not yet commenced at any of the eco-town locations, and planning applications are still being prepared in most cases, it is clear that the proposed development in each location is unlikely to meet all the standards set out in the Planning Policy Statement.
- 3.21 The assessment in Table 3.2 also shows that there are a number of components of the Eco-towns supplement to Planning Policy Statement 1 that set down policy, guidance and standards specifically for eco-towns for which no equivalent policy, guidance or standard exists elsewhere. Examples are the criteria relating to the governance and monitoring of eco-town developments. While these very specific criteria would no longer apply if the Planning Policy Statement were to be cancelled, they would be less relevant anyway as developments labelled as 'eco-towns' in line with the Planning Policy Statement would no longer exist. Legislation such as the Strategic Environmental Assessment Regulations and Environmental Impact Assessment Regulations¹¹ 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 supplement to Planning Policy Statement 1, as eco-towns with the associated high standards of sustainable development are less likely to be developed and maintained as eco-towns over the long-term, the likely effects are not considered to be significant.
- 3.22 Therefore, it is considered that the loss of the policy, guidance and standards contained within the Eco-towns supplement to Planning Policy Statement 1 will not lead to significant environmental effects arising.

¹¹ Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI No. 1824)).

Table 3.2: Assessment of whether the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is likely to lead to significant environmental effects

Component of Planning Policy Statement	What other policy/legislation would be in place in the absence of the Eco-towns supplement to Planning Policy Statement 1?
PLANNING CONTEXT	
<p>ET 1 Principles ET 1.1 Eco-towns should develop unique characteristics by responding to the opportunities and challenges of their location and community aspirations. Eco-town proposals should meet the standards as set out in this PPS or any standards in the development plan which are of a higher standard. Developers and local planning authorities will need to consider how they should be applied in practice, recognising the unique nature of each site.</p>	<p>This criterion relates specifically to the principles of eco-towns, and there is no directly equivalent policy elsewhere that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1. Paragraph 52 of the National Planning Policy Framework makes reference to garden city principles, stating that “<i>the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities</i>”. However, this does not go as far as directly endorsing eco-towns or setting out principles for their development. Other policy relating to development standards (as detailed throughout this table) would apply to all new development, including eco-towns. Any standards in the relevant adopted development plan that are higher than those set out in the Eco-towns supplement to Planning Policy Statement 1 would continue to apply.</p>
<p>ET 1.2 Developers and local planning authorities developing proposals for eco-towns should take into consideration the Sustainability Appraisal and the Habitats Regulation Assessment undertaken for this PPS. See the provisions set out at ET 16.2. Proposals for new eco-towns should demonstrate evidence of sustainability and deliverability, including infrastructure.</p>	<p>The Sustainability Appraisal and Habitats Regulations Assessment of the Eco-towns supplement to Planning Policy Statement 1 would no longer be relevant, although the Strategic Environmental Assessment and Habitats Regulations Assessment of the removal of the Eco-towns supplement to Planning Policy Statement 1 would be available. All development plans, including those that contain proposals for eco-towns, would be subject to Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Assessment in line with the Strategic Environmental Assessment Regulations and Habitats Regulations Assessment Regulations. Paragraph 165 of the National Planning Policy Framework requires</p>

	Local Planning Authorities to plan positively for the infrastructure required in the area through their Local Plans.
<p>ET 2 Locational criteria</p> <p>ET 2.1 Eco-towns should have the functional characteristics of a new settlement; that is to be of sufficient size and have the necessary services to establish their own character and identity and so have the critical mass necessary to be capable of self-containment whilst delivering much higher standards of sustainability.</p>	<p>This criterion is very specific in relation to the location of eco-towns, and there is no directly equivalent policy elsewhere. However, all new development would need to conform to relevant policy in the National Planning Policy Framework such as paragraph 70 which states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.</p>
<p>ET 2.2 In identifying suitable locations for eco-towns, consideration should be given to:</p> <p>(a) the area for development needed which should be able to make provision for a minimum of 5,000 homes. Planning on this scale allows the development to exploit a number of opportunities and benefits as set out in the Government’s objectives for eco-towns. See paragraph 7 of this PPS</p> <p>(b) the proximity of the proposed eco-town to a higher order centre(s) where there is clear capacity for public transport links and other sustainable access to that centre</p> <p>(c) the proximity of the eco-town to existing and planned employment opportunities</p> <p>(d) whether the eco-town can play an important role in delivering other planning, development and regeneration objectives, and</p> <p>(e) the eco-towns locations set out in Annex A.</p>	<p>These standards relate specifically to the nature and siting of eco-towns, for which there is no directly equivalent policy. However, paragraph ET2.2 states that ‘consideration’ should be given to the criteria listed, suggesting that potential eco-town locations that do not meet all these criteria are not automatically excluded from being considered as eco-towns under the Eco-towns supplement to Planning Policy Statement 1. It allows for some flexibility.</p> <p>The specific eco-town locations set out in Annex A of the Eco-towns supplement to Planning Policy Statement 1 are not identified elsewhere in national policy although policies in adopted Local Plans for the relevant districts relating to the delivery of the eco-town would continue to apply.</p> <p>National policy set out in the National Planning Policy Framework addresses some of the issues covered by the criterion and should ensure that all new development is appropriately located. For example, paragraph 34 states that “<i>decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.</i>”</p> <p>Options for specific development sites will be subject to Environmental Impact Assessment under the Environmental Impact Assessment Regulations, and Strategic Environmental Assessment under the Strategic Environmental Assessment Regulations if sites are proposed</p>

	within Local Plans. These processes should ensure that development locations are selected with sustainability considerations in mind.
<p>ET 3 Regional Spatial Strategies (RSS) ET 3.1 Eco-towns are one of a range of options regions should consider when determining the overall level and distribution of housing in future RSS reviews (see paragraph 37, PPS3). They will be particularly useful in areas experiencing high levels of need and demand for housing. Regions should consider how eco-towns can help deliver housing within the region and in particular housing market areas.</p>	<p>This criterion is no longer relevant, as the regional tier of planning has been removed and the Regional Spatial Strategies revoked. In the absence of the Eco-towns supplement to Planning Policy Statement 1, there is no policy in place that directly identifies eco-towns as an option for the delivery of development, although the National Planning Policy Framework makes reference to garden city principles, stating in paragraph 5.2 that <i>“the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities”</i>.</p>
<p>ET 4 Local Development Frameworks (LDF) ET 4.1 Eco-towns are one of a range of options local planning authorities should consider when determining how to meet their current or emerging housing requirements set out in the RSS. Eco-towns should be allocated as a strategic development option within the Core Strategy, but may also be considered as part of an Area Action Plan or Allocations DPD where the Core Strategy has already been adopted.</p>	<p>In the absence of the Eco-towns supplement to Planning Policy Statement 1 there is no policy in place that directly identifies eco-towns as an option for the delivery of development through the local tier of planning, although paragraph 52 of the National Planning Policy Framework makes reference to garden city principles, stating that <i>‘the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities’</i>.</p>
<p>ET 4.2 Local planning authorities who have within their area an eco-town location in Annex A should consider the eco-town as an option for the distribution of housing. There is no requirement to allocate an eco-town if a better way of meeting future needs exists. The Adopted Plan should set out the most appropriate strategy when considered against reasonable alternatives.</p>	<p>This criterion relates to the allocation of the four eco-towns referenced in the Eco-towns supplement to Planning Policy Statement 1, for which there is no equivalent policy. However, paragraph ET4.2 states that “consideration” should be given to the locations as eco-towns. It allows for flexibility for the local authority to decide whether or not to take forward an eco-town in their area.</p>
<p>ET 5 Determining planning applications ET 5.1 Local planning authorities must determine planning</p>	<p>Regional Spatial Strategies no longer form part of the development plan since the regional tier of planning has been removed. Even so,</p>

<p>applications in accordance with the statutory Development Plan¹², unless material considerations indicate otherwise. This PPS including the list of locations set out in Annex A will be material considerations that should be given weight in determining planning applications for eco-towns.</p>	<p>planning applications will continue to be determined in accordance with the relevant Local Plan. However, the Eco-towns supplement to Planning Policy Statement 1 and list of locations in Annex A will no longer be in place to act as a material consideration.</p>
<p>ET 5.2 Where the development plan is up-to-date¹³ (but has not allocated an eco-town) the local planning authority may refuse the application on the grounds that it had already provided for all the housing that is needed and that the plan was found 'sound' by an Inspector from the Planning Inspectorate. However, there are circumstances where local planning authorities can justify going against the plan, for example, where an emerging RSS indicates that the local planning authority would need to deliver higher levels of growth. Where this is the case, or where the plan is out of date¹⁴, an application for an eco-town should be considered on its merits, taking into account material considerations.</p>	<p>This criterion relates to the determination of applications for eco-towns, for which there is no directly equivalent policy. The reference to Regional Spatial Strategies is no longer relevant since the regional tier of planning has been removed.</p>
<p>ET 6 Monitoring ET 6.1 Eco-towns will need to be monitored through regional and local monitoring frameworks. Regional Planning Bodies and Local Planning Authorities will be required to monitor the implementation of their spatial policies as set out in the RSS and in development plan documents at the local level. Regional Planning Bodies and Local Planning Authorities should set out in their</p>	<p>This criterion relates specifically to the monitoring of eco-towns, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1. The arrangements for monitoring at the regional level are no longer in place.</p>

¹² The development plan includes the Regional Spatial Strategy, which have been largely revoked, and Adopted Development Plan Documents (or any saved policies pursuant to section 38 and schedule 8 of the Planning and Compulsory Purchase Act 2004). Where there is a conflict between these documents, the most recent document takes precedence.

¹³ An up-to-date plan is one that complies with Planning Policy Statement 3 and the relevant Regional Spatial Strategy. For example, this means that five years of deliverable land has been allocated and a further 10 years of broad locations has been identified.

¹⁴ An out-of-date plan is one that does not comply with Planning Policy Statement 3 and the relevant Regional Spatial Strategy. For example it does not allocate enough land to meet Regional Spatial Strategy housing numbers.

<p>Annual Monitoring Reports indicators for monitoring the sustainability of eco-towns in their region/district. Arrangements should be put in place for the long-term monitoring of the standards set out for eco-towns as part of the requirements for community governance.</p>	
<p>ET 6.2 Where an eco-town is brought forward through a planning application, the monitoring requirements should be undertaken as if the proposal was brought forward through the plan making system, and subject to the monitoring of sustainability and any necessary mitigation.</p>	<p>This criterion relates specifically to the monitoring of eco-towns, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1.</p>
<p>ECO-TOWN STANDARDS</p>	
<p>ET 7 Zero carbon in eco-towns ET 7.1 The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below¹⁵. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.</p>	<p>Paragraph 95 of the National Planning Policy Framework states that “<i>to support the move to a low carbon future, local planning authorities should, when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards</i>”. The Government’s planning guidance (hereafter referred to as ‘planning guidance’) makes it clear that local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.</p> <p>The Government committed to a zero carbon target for new homes from 2016 and for new non-domestic buildings from 2019 in the Written Ministerial Statement of December 2010¹⁶. A further Written Ministerial Statement issued in May 2011¹⁷ provided detail on a new definition of zero carbon homes and outline proposals for a cost effective off-site</p>

¹⁵ This definition of zero carbon applies solely in the context of eco-towns, and applies to the whole development rather than to individual buildings.

¹⁶ Minister for Housing and Local Government (Grant Shapps) Written Ministerial Statement on Zero Carbon Buildings, see Hansard 20 Dec 2010 : Column 145WS - <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101220/wmstext/101220m0001.htm>

¹⁷ Minister for Housing and Local Government (Grant Shapps) Written Ministerial Statement on Building and the Environment see Hansard 17 May 2011: Column 7WS - <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110517/wmstext/110517m0001.htm>

carbon abatement scheme that house builders could use to contribute to the zero carbon homes target. This scheme is known as 'allowable solutions' and a consultation¹⁸ on key design principles of the scheme was published in August 2013. The Government announced in June 2014 that it intends to set a minimum on-site energy performance standard for new homes in the Building Regulations equivalent to the energy requirements of Level 4 of the Code for Sustainable Homes and for the remainder of the zero carbon homes target to be met through allowable solutions¹⁹. Primary legislation to enable a framework for allowable solutions to be brought forward in the Building Regulations is in the Infrastructure Act 2015. The Government has also announced that there will be an exemption for small sites from the zero carbon homes target and has consulted on proposals for the application of that exemption²⁰, in October 2014. The consultation expressed a preference that the exemption would only apply to the allowable solutions element of the zero carbon target.

Subject to the Deregulation Bill gaining Royal Assent towards the end of March 2015, a planning Written Ministerial Statement will be issued as part of a package of new optional technical standards that authorities (and agencies) may draw from in future if they wish to set higher than Building Regulation Standards for new housing. The statement will allow a legacy period for the operation of existing standards for the theme areas which were subject to consultation in summer 2014. Thereafter where technical standards are to be applied, they will need to comply with the Government's standards. All other

¹⁸ The consultation paper on 'Next steps to zero carbon homes – allowable solutions' was published in August 2013 and the Government's response was published in July 2014, both these documents can be found at: <https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-allowable-solutions>

¹⁹ Parliamentary Under-Secretary of State for Communities and Local Government (Stephen Williams) Written Ministerial Statement on Zero Carbon Homes, see Hansard 5 June 2014: Column 7WS - <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140605/wmstext/140605m0001.htm>

²⁰ Consultation on 'Next steps to zero carbon homes – small sites exemption' published October 2014 at: <https://www.gov.uk/government/consultations/next-steps-to-zero-carbon-homes-small-sites-exemption>

	<p>higher technical housing standards will effectively be superseded from March onwards (including the Code for Sustainable Homes). Proposals include that from the publication of the Written Ministerial Statement, the energy efficiency requirements will be set at a level equivalent to level 4 of the Code for Sustainable Homes. Local planning authorities will be expected not to exceed this energy efficiency level.</p>
<p>ET 7.2 The health and social care needs of residents, and the resulting energy demand, should be taken into account when demonstrating how this standard will be met.</p>	<p>There is no directly equivalent policy to this very specific criterion elsewhere.</p>
<p>ET 7.3 This standard will take effect in accordance with a phased programme to be submitted with the planning application. It excludes embodied carbon²¹ and emissions from transport but includes all buildings – not just houses but also commercial and public sector buildings which are built as part of the eco-town development. The calculation of net emissions will take account of:</p> <p>(a) emissions associated with the use of locally produced energy</p> <p>(b) emissions associated with production of energy imported from centralised energy networks, taking account of the carbon intensity of those imports as set out in the Government’s Standard Assessment Procedure, and</p> <p>(c) emissions displaced by exports of locally produced energy to centralised energy networks where that energy is produced from a plant (1) whose primary purpose is to support the needs of the eco town and (2) has a production capacity reasonably related to the overall energy requirement of the eco town.</p>	<p>Paragraph 95 of the National Planning Policy Framework states that ‘to support the move to a low carbon future, local planning authorities should, when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards’.</p> <p>The zero carbon homes standard and allowable solutions policy only applies to residential development. There is currently no defined zero carbon standard for commercial and public sector buildings. However, planning guidance states that, if considering policies on local requirements for the sustainability of non-residential buildings, local planning authorities will wish to consider if there are nationally described standards and the impact on viability of development.</p>
<p>ET 7.4 This standard attempts to ensure that energy emissions related to the built environment in eco-towns are</p>	<p>Paragraph 95 of the National Planning Policy Framework states that ‘to support the move to a low carbon future, local planning authorities</p>

²¹ i.e. carbon emissions resulting from the construction process – see ET19.1.

<p>zero or below. Standards applicable to individual homes are set out in policy ET 9.</p>	<p><i>should, when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards'.</i> The zero carbon homes policy will apply to residential development.</p>
<p>ET 8 Climate change adaptation ET 8.1 Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind²².</p>	<p>Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. To be found sound, Local Plans will need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework. These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and co-operate to deliver strategic priorities which include climate change.</p> <p>Furthermore, Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans <i>"policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change"</i>.</p> <p>Paragraphs 94 and 95 in the National Planning Policy Framework state that Local Planning Authorities should <i>"adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. To support the move to a low carbon future, local planning authorities should:</i></p> <ul style="list-style-type: none"> • <i>plan for new development in locations and ways which reduce greenhouse gas emissions;</i> • <i>actively support energy efficiency improvements to existing buildings; and</i> • <i>when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon</i>

²² In line with Planning Policy Statement: Planning and Climate Change (supplement to Planning Policy Statement 1) and supporting practice guidance.

<p>ET 8.2 Developments should be designed to take account of the climate they are likely to experience, using, for example, the most recent climate change scenarios available from the UK Climate Change Impacts Programme. Eco-towns should deliver a high quality local environment and meet the standards on water, flooding, green infrastructure and biodiversity set out in this PPS, taking into account a changing climate for these, as well incorporating wider best practice on tackling overheating and impacts of a changing climate for the natural and built environment.</p>	<p><i>buildings policy and adopt nationally described standards.”</i></p> <p>Paragraph 99 of the National Planning Policy Framework states that Local Plans should <i>‘take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.’</i></p> <p>Paragraph 17 of the National Planning Policy Framework sets out 12 core planning principles, which should underpin plan-making and decision-taking. These principles cover a range of issues relating to sustainable development, and one of the principles is that planning should <i>“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”</i>.</p> <p>The standards set out in the Eco-towns supplement to Planning Policy Statement 1 would no longer be in place, although other standards will continue to apply to development (as detailed throughout this table).</p>
<p>ET 9 Homes</p> <p>ET 9.1 As well as being zero carbon as part of the whole built environment, homes in eco-towns should:</p> <p>(a) achieve Building for Life²³ Silver Standard and Level 4 of the Code for Sustainable Homes²⁴ at a minimum (unless higher standards are set elsewhere in this Planning Policy Statement)</p> <p>(b) meet lifetime homes standards and space standards²⁵</p> <p>(c) have real time energy monitoring systems; real time</p>	<p>Building Regulations will continue to apply.</p> <p>Subject to the Deregulation Bill gaining Royal Assent towards the end of March 2015, a planning written ministerial statement will be issued as part of a package of new optional technical standards that authorities (and agencies) may draw from in future if they wish to set higher than Building Regulation Standards for new housing. The statement will allow a legacy period for the operation of existing standards for the theme areas which were subject to consultation in summer 2014. Thereafter where technical standards are to be applied,</p>

²³ Building for Life – www.buildingforlife.org/

²⁴ Code Level 4 contains within it standards to be achieved for: household waste recycling, construction waste, composting facilities, water efficiency measures, surface water management, use of materials, energy & CO2, pollution, health & wellbeing, ecology & ongoing management of the development.

²⁵ Space standards refer to the Space Standards published by English Partnerships which are now encapsulated in the Home and Communities Agency’s Design Quality Standards.

<p>public transport information and high speed broadband access, including next generation broadband where possible. Consideration should also be given to the potential use of digital access to support assisted living and smart energy management systems</p> <p>(d) provide for at least 30 per cent affordable housing (which includes social rented and intermediate housing)²⁶</p> <p>(e) demonstrate high levels of energy efficiency in the fabric of the building, having regard to proposals for standards to be incorporated into changes to the Building Regulations between now and 2016 (including the consultation on planned changes for 2010 issued in June 2009 and future announcements on the definition of zero carbon homes), and</p> <p>(f) achieve, through a combination of energy efficiency and low and zero carbon energy generation on the site of the housing development and any heat supplied from low and zero carbon heat systems directly connected to the development, carbon reductions (from space heating, ventilation, hot water and fixed lighting) of at least 70 per cent relative to current Building Regulations (Part L 2006).</p>	<p>they will need to comply with the Government’s standards. All other higher technical housing standards will effectively be superseded from March onwards (including the Code for Sustainable Homes).</p> <p>There is no national standard set in terms of the requirement for affordable housing that would apply to eco-town proposals – paragraph 174 of the National Planning Policy Framework states that Local Planning Authorities should “<i>set out their policy on local standards in the Local Plan, including requirements for affordable housing.</i>” Current affordable housing funding is currently assessed and constructed against national standards criteria (available on the Homes and Communities Agency website). The bidding criteria used for the Government’s Affordable Housing Programme for the period 2015-2018 will reflect those standards developed through the Housing Standard Review.</p> <p>Paragraph 17 of the National Planning Policy Framework makes it clear that securing high quality design and a good standard of amenity is one of the Core Planning Principles. In addition paragraphs 56 – 66 of the National Planning Policy Framework sets out the Government’s design policies, making it clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 42 and 43 of the National Planning Policy Framework expect local planning authorities to support the development of high speed broadband.</p>
<p>ET 9.2 The intent of the energy efficiency and on-site carbon reduction standards is to ensure that, without being too prescriptive as to the means employed to achieve the overall zero carbon standard, reasonable opportunities for energy efficiency and on-site carbon mitigation (including directly connected heat systems) are utilised.</p>	<p>This criterion explains the purpose of the standards set out in the Eco-towns supplement to Planning Policy Statement 1 and there is therefore no directly equivalent policy. The issues of energy efficiency and carbon mitigation are addressed elsewhere in national policy (for example the Building Regulations Part L); however this particular criterion provides context for the standards set out in other paragraphs</p>

²⁶ See Planning Policy Statement 3 for definition and policy approach.

	of the Eco-towns supplement to Planning Policy Statement 1 which are considered separately above.
<p>ET 10 Employment ET 10.1 It is important to ensure that eco-towns are genuine mixed-use communities and that unsustainable commuter trips are kept to a minimum. An economic strategy should be produced to accompany planning applications for eco-towns that demonstrate how access to work will be achieved. The strategy should also set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.</p>	<p>Paragraph 17 of the National Planning Policy Framework promotes mixed-use development as one of 12 core planning principles that should underpin plan-making and decision-taking. Paragraph 37 of the National Planning Policy Framework states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment.</p>
<p>ET 11 Transport ET 11.1 Travel in eco-towns should support people’s desire for mobility whilst achieving the goal of low carbon living. The town should be designed so that access to it and through it gives priority to options such as walking, cycling, public transport and other sustainable options, thereby reducing residents’ reliance on private cars, including techniques such as filtered permeability. To achieve this, homes should be within ten minutes’ walk of (a) frequent public transport and (b) neighbourhood services²⁷. The provision of services within the eco-town may be co-located to reduce the need for individuals to travel by private car and encourage the efficient use of the sustainable transport options available.</p>	<p>Paragraph 35 of the National Planning Policy Framework states that plans should <i>‘protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:</i></p> <ul style="list-style-type: none"> • <i>accommodate the efficient delivery of goods and supplies;</i> • <i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i> • <i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</i> • <i>incorporate facilities for charging plug-in and other ultra-low emission vehicles; and</i> • <i>consider the needs of people with disabilities by all modes of transport’.</i> <p>There are no other national standards that would apply in relation to an acceptable walking distance to public transport links and/or</p>

²⁷ Specific proposals for the location of health and social care services should reflect the particular local circumstances and be made following discussions with the Primary Care Trust.

	neighbourhood services.
<p>ET 11.2 Planning applications should include travel plans which demonstrate:</p> <p>(a) how the town's design will enable at least 50 per cent of trips originating in eco-towns to be made by non-car means, with the potential for this to increase over time to at least 60 per cent</p> <p>(b) good design principles, drawing from Manual for Streets²⁸, Building for Life²⁹, and community travel planning principles³⁰</p> <p>(c) how transport choice messages, infrastructure and services will be provided from 'day one' of residential occupation, and</p> <p>(d) how the carbon impact of transport in the eco-town will be monitored, as part of embedding a long term low-carbon approach to travel within plans for community governance.</p>	<p>Paragraph 36 of the National Planning Policy Framework states that <i>"all developments which generate significant amounts of movement should be required to provide a Travel Plan."</i> Planning guidance makes it clear that travel plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate to the proposal.</p> <p>The guidance set out in Manual for Streets and Building for Life (Building for Life¹², which has been refreshed to work with the National Planning Policy Framework) would continue to apply.</p>
<p>ET 11.3 Where an eco-town is close to an existing higher order settlement, planning applications should also demonstrate:</p> <p>(a) options for ensuring that key connections around the eco-town do not become congested as a result of the development, for example by extending some aspects of the travel plan beyond the immediate boundaries of the town, and</p> <p>(b) significantly more ambitious targets for modal share than the 50 per cent (increasing to 60 per cent over time) mentioned above and for the use of sustainable transport.</p>	<p>This criterion relates specifically to transport issues associated with eco-towns, for which there is no equivalent national policy. However, the National Planning Policy Framework does address sustainable transport issues, including the need for travel plans. In addition, paragraph ET11.3 uses terminology such as 'options' and 'for example', suggesting that potential eco-town locations that do not meet all these criteria are not automatically excluded from being considered as eco-towns under the Eco-towns supplement to Planning Policy Statement 1. It allows for some flexibility.</p>
<p>ET 11.4 Where eco-town plans intend to incorporate ultra</p>	<p>This is a very specific criterion, for which there is no equivalent national</p>

²⁸ Manual for Streets – Department of Transport – <http://www.dft.gov.uk/pgr/sustainable/manforstreets/>

²⁹ Building for Life – <http://www.buildingforlife.org/>

³⁰ See Building Sustainable Transport into New Developments (DfT 2008) and Good Practice Guidelines: Delivering Travel Plans through the Planning Process (Department for Transport/Communities and Local Government 2009)

<p>low carbon vehicle options, including electric car schemes to help achieve a sustainable transport system, planning applications should demonstrate that:</p> <p>(a) there will be sufficient energy headroom to meet the higher demand for electricity, and</p> <p>(b) the scheme will not add so many additional private vehicles to the local road network that these will cause congestion.</p>	<p>policy. However, paragraph ET11.4 states that “<i>where eco-town plans intend to incorporate...</i>”, suggesting that potential eco-town locations that do not meet all these criteria are not automatically excluded from being considered as eco-towns under the Eco-towns supplement to Planning Policy Statement 1. It allows for some flexibility.</p>
<p>ET 11.5 Eco-towns should be designed in a way that supports children walking or cycling to school safely and easily. There should be a maximum walking distance of 800m³¹ from homes to the nearest school for children aged under 11, except where this is not a viable option due to natural water features or other physical landscape restrictions.</p>	<p>Paragraph 38 of the National Planning Policy Framework states that where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.</p> <p>There are no national standards that would apply in relation to an acceptable walking distance to schools.</p>
<p>ET 12 Healthy lifestyles</p> <p>ET 12.1 The built and natural environments are an important component in improving the health and well-being of people. Well-designed development and good urban planning can also contribute to promoting and supporting healthier and more active living and reduce health inequalities³². Eco-towns should be designed and planned to support healthy and sustainable environments and enable residents to make healthy choices easily.</p>	<p>Paragraph 73 of the National Planning Policy Framework states that “<i>access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.</i>”</p>
<p>ET 13 Local services</p> <p>ET 13.1 Building sustainable communities is about providing facilities which contribute to the well-being,</p>	<p>Paragraph 70 of the National Planning Policy Framework states that “<i>to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan</i></p>

³¹ The distance should be measured by the shortest route along which a child may walk in reasonable safety.

³² See also – Promoting and creating built or natural environments that encourage and support physical activity. – National Institute for Health and Clinical Excellence – NICE Public Health Guidance 8

<p>enjoyment and health of people. Planning applications should include a good level of provision of services within the eco-town that is proportionate to the size of the development. This should include leisure, health and social care, education, retail, arts and culture, library services, sport and play facilities and community and voluntary sector facilities.</p>	<p><i>positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”</i></p> <p>Paragraph 156 of the National Planning Policy Framework makes it clear that local planning authorities should set out the strategic priorities for the area in their Local Plan, which includes the provision of health, security, community and cultural infrastructure and other local facilities.</p>
<p>ET 14 Green infrastructure</p> <p>ET 14.1 Forty per cent of the eco-town’s total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside.</p> <p>Planning applications should demonstrate a range of types of green space, for example community forests, wetland areas and public parks. The space should be multifunctional, e.g. accessible for play and recreation, walking or cycling safely, and support wildlife, urban cooling and flood management.</p>	<p>Paragraph 73 of the National Planning Policy Framework states that <i>“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”</i></p> <p>In addition, paragraph 114 of the National Planning Policy Framework states that <i>“Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”</i>.</p> <p>The National Planning Policy Framework supports the designation of Local Green Space, where local communities will be able to rule out new development other than in special circumstances. Planning guidance provides further detail on the designation, and states that green areas within new developments can be designated as Local Green Space.</p>
<p>ET 14.2 Particular attention should be given to land to allow the local production of food from community,</p>	<p>Para 17 of the National Planning Policy Framework sets out Core Planning Principles, including that planning should promote mixed use</p>

<p>allotment and/or commercial gardens.</p>	<p>developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (including food production).</p>
<p>ET 15 Landscape and historic environment ET 15.1 Planning applications for eco-towns should demonstrate that they have adequately considered the implications for the local landscape and historic environment. This evidence, in particular that gained from landscape character assessments and historic landscape characterisation should be used to ensure that development complements and enhances the existing landscape character. Furthermore, evidence contained in relevant Historic Environment Records, should be used to assess the extent, significance and condition of known heritage assets (and the potential for the discovery of unknown heritage assets) and the contribution that they may make to the eco-town and surrounding area. Eco-town proposals should set out measures to conserve and, where appropriate, enhance heritage both assets and their settings through the proposed development.</p>	<p>Paragraph 109 of the National Planning Policy Framework states that the planning system should “<i>contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes</i>”.</p> <p>Planning guidance refers to the value of Landscape Character Assessments to help understand the character and distinctiveness of the landscape and to help to inform, plan and manage change. The Guidance also requires Local Planning Authorities to set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, and states that “<i>the local Historic environment record and any local list will be important sources of information on non-designated heritage assets</i>”.</p> <p>Paragraph 126 of the National Planning Policy Framework states that Local Planning Authorities should set out in their Local Plan “<i>a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.</i>”</p> <p>Planning guidance makes it clear that developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.</p> <p>The core planning principles set out in paragraph 17 of the National Planning Policy Framework include reference to the need to conserve heritage assets for future enjoyment, and paragraph 169 requires local planning authorities to “<i>have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently</i></p>

	<p><i>unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.”</i></p>
<p>ET 16 Biodiversity ET 16.1 Eco-towns should demonstrate a net gain in local biodiversity and planning permission may not be granted for eco-town proposals which have a significant adverse effect on internationally designated nature conservation sites³³ or Sites of Special Scientific Interest.</p>	<p>Paragraph 109 in the National Planning Policy Framework requires the planning system to “<i>contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</i>”</p> <p>Planning guidance refers to Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The Guidance goes on to provide guidance on how local planning authorities should set about planning for biodiversity and geodiversity, including the fact that “<i>information on biodiversity impacts and opportunities should inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself</i>”. Emphasis is placed on achieving biodiversity enhancements rather than simply avoiding significant adverse effects.</p> <p>The Habitats Regulations require Habitats Regulations Assessment of developments to assess and mitigate potential significant effects on internationally designated biodiversity sites.</p> <p>Developments proposed through Local Plans would be subject to Strategic Environmental Assessment throughout the plan-preparation process, which should give consideration to potential effects on</p>

³³ These sites, which in Great Britain, are also referred to as European sites consist of Special Areas of Conservation and European Offshore Marine Sites designated under the EC Habitats Directive and Special Protection Areas classified under the Birds Directive. The Government expects public authorities to treat all Ramsar sites as if they are fully designated European Sites, for the purpose of considering development proposals that may affect them.

	<p>biodiversity. Certain other developments (those that meet the thresholds set out in the Environmental Impact Assessment Regulations) that are likely to have significant environmental effects will still be subject to Environmental Impact Assessment under the Environmental Impact Assessment Regulations, which will also, where relevant, consider potential significant impacts on biodiversity.</p>
<p>ET 16.2 If after completing an appropriate assessment of a plan or project local planning authorities are unable to conclude that there will be no adverse effects on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies. It is unlikely that proposals for eco-towns will meet the requirements of Article 6(4) of the Habitats Directive. In appropriate cases, local planning authorities may consider the scale and mass of the eco-town necessary to avoid adversely affecting the integrity of European sites. In the event that the authority concludes that it cannot allocate an eco-town of the minimum 5,000 dwellings or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the closest to the minimum size for which it can be concluded that it does not affect the integrity of any European sites.</p>	<p>The Habitats Regulations would continue to require Habitats Regulations Assessment of potential development locations within local plans and of proposals for certain developments in order to assess and mitigate potential significant effects on internationally designated biodiversity sites.</p>
<p>ET 16.3 A strategy for conserving and enhancing local biodiversity should be produced to accompany planning applications for eco-towns. This should be based on up-to-date information about the biodiversity of the area including proposals for the management of local ecosystems and where appropriate, the restoration of degraded habitats or the creation of replacement habitats. It should set out priority actions in line with the England Biodiversity Strategy and Local Biodiversity Action Plans, including appropriate mitigation and/or compensation measures, required to minimise adverse effects on individual species and habitats of principal importance and to enhance local</p>	<p>Paragraph 109 in the National Planning Policy Framework requires the planning system to “<i>contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures</i>”.</p> <p>Planning guidance encourages early and meaningful engagement with key partners, which should include Natural England. Natural England is also a statutory consultee under the Habitats Regulations.</p>

<p>biodiversity overall. Developers should seek the advice of Natural England and other relevant statutory advisers when developing their strategies and decision making authorities should also consult those bodies as to the adequacy of such strategies. Delivery bodies should be identified in the strategy and its implementation should proceed in parallel with the development.</p>	
<p>ET 17 Water ET 17.1 Eco-towns should be ambitious in terms of water efficiency across the whole development, particularly in areas of serious water stress³⁴, and should contribute, where existing water quality leaves scope for further improvement, towards improving water quality in their localities.</p>	<p>Para 94 of the National Planning Policy Framework would continue to apply – this states that “<i>Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations</i>”.</p> <p>Para 99 of the National Planning Policy Framework also states that “<i>Local Plans should take account of climate change over the longer term, including factors such as...water supply</i>”.</p> <p>Planning guidance provides guidance on water supply, wastewater and water quality, stating that plan-making may need to consider “<i>how to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of potable water supplies (designated source protection zones or near surface water drinking water abstractions)?</i>”</p> <p>Part G of the Building Regulations sets out water efficiency requirements.</p>
<p>ET 17.2 Planning applications for all eco-towns should be accompanied by a water cycle strategy that provides a plan for the necessary water services infrastructure improvements. The water cycle strategy should have been</p>	<p>Paragraph 94 of the National Planning Policy Framework would continue to apply – this states that “<i>Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and</i></p>

³⁴ As designated by the Water Industry (Prescribed Conditions) Amendment Regulations 2007 (S.I. 2007/2457) – map to illustrate extent of water stress can be obtained from the Environment Agency.

<p>developed in partnership with interested parties, including the local planning authority, the Environment Agency³⁵, and the relevant water and sewerage companies through a water cycle study. The strategy should:</p> <p>(a) assess the impact that the proposed development will have on water demand within the framework of the water companies' water resource management plans and set out the proposed measures which will limit additional water demand from both new housing and new non-domestic buildings</p> <p>(b) demonstrate that the development will not result in a deterioration in the status³⁶ of any surface waters or ground-waters affected by the eco-town; and</p> <p>(c) set out proposed measures for improving water quality and avoiding surface water flooding from surface water, groundwater and local watercourses.</p>	<p><i>demand considerations</i>".</p> <p>Paragraph 103 of the National Planning Policy Framework also states that "<i>when determining planning applications, local planning authorities should...only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</i></p> <ul style="list-style-type: none"> • <i>within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</i> • <i>development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."</i> <p>Paragraph 162 of the National Planning Policy Framework also states that "<i>Local Planning Authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for water supply, wastewater and its treatment and its ability to meet forecast demands</i>".</p> <p>The Water Framework Directive requires European Union member states to achieve good qualitative and quantitative status of all water bodies by 2015.</p>
<p>ET 17.3 Eco-towns should:</p> <p>(a) incorporate measures in the water cycle strategy for improving water quality and managing surface water, groundwater and local watercourses to prevent surface water flooding from those sources; and</p>	<p>The National Planning Policy Framework promotes the use of Sustainable Drainage Systems. Paragraph 103 states that "<i>when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by</i></p>

³⁵ See also Environment Agency guidance (January 09) on water cycle studies <http://publications.environment-agency.gov.uk/pdf/GEHO0109BPFF-e-e.pdf>

³⁶ Information on status can be obtained from the Environment Agency – in the case of water bodies, this information will be reported in the River Basin Management Plan.

<p>(b) incorporate sustainable drainage systems (SUDS) and, except where this is not feasible, as identified within a relevant Surface Water Management Plan³⁷, avoid connection of surface water run-off into sewers.</p>	<p><i>a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:</i></p> <ul style="list-style-type: none"> • <i>within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and</i> • <i>development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”</i> <p>Part H of the Building Regulations addresses drainage and waste disposal, and planning guidance provides support for the use of Sustainable Drainage Systems.</p> <p>Additionally, on 18 December 2014 the Government laid a Written Ministerial Statement announcing that from 6 April 2015, it is expected that local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010) - ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. This statement is to be read in conjunction with the policies in the National Planning Policy Framework.</p>
<p>ET 17.4 Planning applications for all eco-towns should include a strategy for the long term maintenance, management and adoption of the SUDS.</p>	<p>The Floods and Water Management Act 2010 established a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.</p>

³⁷ All eco-towns must be covered by a Strategic Flood Risk Assessment, as defined in Planning Policy Statement 25, Development and Flood Risk, and the PPS25 Practice Guide. A Surface Water Management Plan for the eco-town should form part of the Strategic Flood Risk Assessment. Planning Policy Statement 25 was replaced by the National Planning Policy Framework.

	<p>In December 2014 the Government announced the strengthening of existing planning policy to make clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate.</p> <p>Schedule 3 of the Floods and Water Management Act 2010 has not come into force.</p>
<p>ET 17.5 Eco-towns in areas of serious water stress should aspire to water neutrality, i.e. achieving development without increasing overall water use across a wider area³⁸ and this is further explained in Annex B of this PPS. In particular, the water cycle strategy should set out how:</p> <p>(a) the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality</p> <p>(b) new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and</p> <p>(c) new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.</p>	<p>Paragraph 162 of the National Planning Policy Framework also states that “<i>Local Planning Authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for water supply, wastewater and its treatment and its ability to meet forecast demands</i>”.</p>
<p>ET 18 Flood risk management</p> <p>ET 18.1 The location, layout and construction of eco-towns should reduce and avoid flood risk wherever practicable. Eco-towns should not increase the risk of flooding elsewhere and should use opportunities to address and</p>	<p>The National Planning Policy Framework states in paragraph 100 that “<i>inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic</i></p>

³⁸ Wider area to be determined by water cycle study normally by reference to the water company water resource zone in which the development is to be located

<p>reduce existing flooding problems.</p>	<p><i>Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</i></p> <ul style="list-style-type: none"> • <i>applying the Sequential Test;</i> • <i>if necessary, applying the Exception Test;</i> • <i>safeguarding land from development that is required for current and future flood management;</i> • <i>using opportunities offered by new development to reduce the causes and impacts of flooding; and</i> • <i>where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.”</i> <p>Planning guidance Section 10: Meeting the challenge of climate change, flooding and coastal change would continue to apply – this states that <i>“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”</i>. Planning guidance encourages the use of opportunities offered by new development to reduce the causes and impacts of flooding.</p>
<p>ET 18.2 There is a strong expectation that all of the built-up areas of an eco-town (including housing, other public</p>	<p>Planning guidance Section 10: Meeting the challenge of climate change, flooding and coastal change would continue to apply – this</p>

<p>buildings and infrastructure) will be fully within Flood Zone 1 – the lowest risk³⁹. Flood Zone 2 (medium risk) should, as far as possible, be used for open spaces and informal recreational areas that can serve as multi-functional spaces, for example, those used for flood storage. There should be no built-up development in Flood Zone 3, with the exception of water-compatible development and, where absolutely necessary, essential infrastructure as defined in Table D.2 of PPS25: Development and Flood Risk.</p>	<p>states that <i>“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”</i>. Planning guidance encourages the use of opportunities offered by new development to reduce the causes and impacts of flooding. Planning guidance also sets out the principles of the sequential, risk-based approach to the location of development, and the guidance goes on to identify what are appropriate land uses in different flood zones, and is broadly in line with the requirements of the Eco-towns supplement to Planning Policy Statement 1 although it is not quite as stringent as some of the ‘more vulnerable uses’ which planning guidance permits in flood zone 2 would be expected to be within flood zone 1 under the Eco-towns supplement to Planning Policy Statement 1.</p>
<p>ET 19 Waste ET 19.1 Eco-town planning applications should include a sustainable waste and resources plan, covering both domestic and non-domestic waste⁴⁰, which: (a) sets targets for residual waste levels, recycling levels and landfill diversion, all of which should be substantially more ambitious than the 2007 national Waste Strategy targets for 2020⁴¹; it should be demonstrated how these targets will be achieved, monitored and maintained (b) establishes how all development will be designed so as to facilitate the achievement of these targets, including the provision of waste storage arrangements which allow for</p>	<p>National Planning Policy for Waste, published in October 2014 states, in paragraph 3, that <i>“waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing Local Plans, waste planning authorities should:</i></p> <ul style="list-style-type: none"> • <i>undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management, recognising that proposals for waste management facilities such as incinerators can be controversial;</i> • <i>drive waste management up the waste hierarchy (Appendix A),</i>

³⁹ Flood Zones as described in Planning Policy Statement 25, Development and Flood Risk

⁴⁰ This standard does not apply to health and social care services’ medium and high risk waste, such as clinical and hazardous waste; these are covered by national regulations.

⁴¹ The Waste strategy 2007 proposes national targets for waste for 2020 as follows: Residual waste reduction per person (amount left after reuse, recycling and composting) – from 370 kg in 2005 to 225 kg in 2020; Household re-use, recycling and composting – from 27% in 2005 to 50% in 2020; Residual waste recovery (recycling, composting and energy recovery) from 38% in 2005 to 75% in 2020.

<p>the separate collection of each of the seven priority waste materials as identified in the Waste Strategy for England 2007</p> <p>(c) provides evidence that consideration has been given to the use of locally generated waste as a fuel source for combined heat and power (CHP) generation for the eco-town, and</p> <p>(d) sets out how developers will ensure that no construction, demolition and excavation waste is sent to landfill, except for those types of waste where landfill is the least environmentally damaging option.</p>	<p><i>recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;</i></p> <ul style="list-style-type: none"> • <i>in particular, identify the tonnages and percentages of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan (In London, waste planning authorities should have regard to their apportionments set out in the London Plan when preparing their plans);</i> • <i>consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;</i> • <i>take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;</i> • <i>work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;</i> • <i>consider the extent to which the capacity of existing operational facilities would satisfy any identified need.</i> <p>Appendix A to National Planning Policy for Waste sets out the waste hierarchy, which shows that landfill is the least favoured option for the disposal of waste. It also encourages energy recovery as a means of moving away from landfill.</p>
<p>ET 20 Master planning</p> <p>ET 20.1 All eco-town planning applications should include an overall master plan and supporting documentation to demonstrate how the eco-town standards set out above will be achieved and it is vital to the long-terms success of eco-towns that the standards are sustained. Local</p>	<p>This criterion is very specific in relation to the master planning of an eco-town, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1. However, paragraph 59 of the National Planning Policy Framework states that “<i>local planning authorities should consider using design codes where they could help deliver high quality outcomes.</i>”</p>

<p>Authorities should consider the use of design codes⁴² to facilitate efficient delivery of high quality development. In developing the master plan, there should be a high level of engagement and consultation with prospective and neighbouring communities.</p>	<p><i>However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.”</i></p> <p>Existing planning legislation places statutory requirements on local authorities to engage with local communities when preparing plans and when determining individual decisions. Planning guidance also encourages pre-application discussion with local communities.</p>
<p>ET 20.2 There should be a presumption in favour of the original; that is the first permitted master-plan. Any subsequent planning applications that would materially alter and negatively impact on the integrity of the original master-plan should be refused consent.</p>	<p>This criterion is very specific in relation to the master planning of an eco-town, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1.</p>
<p>ET 21 Transition ET 21.1 To support the transition process, planning applications should set out:</p> <ul style="list-style-type: none"> (a) the detailed timetable of delivery of neighbourhoods, employment and community facilities and services – such as public transport, schools, health and social care services, community centres, public spaces, parks and green spaces including biodiversity etc. (b) plans for operational delivery of priority core services to underpin the low level of carbon emissions, such as public transport infrastructure and services, for when the first residents move in (c) progress in and plans for working with Primary Care Trusts and Local Authorities to address the provision of health and social care (d) how developers will support the initial formation and growth of communities, through investment in community 	<p>This criterion is very specific in relation to the transitional process of delivering an eco-town, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1.</p>

⁴² Preparing Design Codes: A Practice Manual; Department for Communities and Local Government/Chartered Association of Building Engineers (2006).

<p>development and third-sector support, which enhance well-being and provide social structures through which issues can be addressed</p> <p>(e) how developers will provide information and resources to encourage environmentally responsible behaviour, especially as new residents move in</p> <p>(f) the specific metrics which will be collected and summarised annually to monitor, support and evaluate progress in low carbon living, including those on zero carbon, transport and waste</p> <p>(g) a governance transition plan from developer to community, and</p> <p>(h) how carbon emissions resulting from the construction of the development will be limited, managed and monitored.</p>	
<p>ET 22 Community and governance</p> <p>ET 22.1 A long term approach is necessary to ensure a new town retains its integrity as an eco-town, and is able to manage change in a planned way. Planning applications should be accompanied by long term governance structures for the development to ensure that:</p> <p>(a) appropriate governance structures are in place to ensure that standards are met, maintained and evolved to meet future needs</p> <p>(b) there is continued community involvement and engagement, to develop social capital</p> <p>(c) sustainability metrics, including those on zero carbon, transport, water and waste are agreed and monitored</p> <p>(d) future development continues to meet the eco-town standards, and (e) community assets are maintained.</p>	<p>These criteria relate specifically to the long-term governance of eco-towns, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1.</p>
<p>ET 22.2 The governance proposals should be appropriate to the scale and complexity of the development, and should complement existing democratic arrangements for parish and local governance. They should set out the proposed financial, management and legal structures</p>	<p>These criteria relate specifically to the long-term governance of eco-towns, and there is no directly equivalent policy that would apply in the absence of the Eco-towns supplement to Planning Policy Statement 1.</p>

(including arrangements for the transfer of land, buildings or endowment funds to resident-led community organisations for community use and development, including cultural, worship and income generating purposes). Where appropriate, proposals for establishing new parish arrangements should be considered as part of the longer term governance arrangements for the eco-town. Governance structures will need to be designed so that they can reflect the composition and unique needs of the local community, so that they have potential to bring different groups together to resolve any differences and avoid tensions, and to create a sense of belonging for residents.

What are the implications of the proposed cancellation of Annex A of the Eco-towns supplement to Planning Policy Statement 1?

- 3.23 In order to understand the implications of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 for the four locations named in Annex A of the Planning Policy Statement, the views of the local planning authorities were sought via telephone interviews or written correspondence with officer representatives.
- 3.24 Development on the ground has not yet commenced at any of the four potential eco-town locations named in Annex A of the Planning Policy Statement. In most cases, planning applications are still being prepared although an outline planning application has been made very recently (July 2014) for the Whitehill-Bordon site in East Hampshire and permission has already been granted for the first 'Exemplar' phase of development at the North West Bicester site. In two of the four authorities (Cornwall and Cherwell District) an up-to-date Local Plan has not yet been adopted.
- 3.25 In Broadland and East Hampshire Districts, the adopted Local Plans make reference to the eco-town developments, although the policy is stronger and more detailed in relation to East Hampshire's Whitehill-Bordon site. The representative of East Hampshire District Council stated that the policies in their Joint Core Strategy 'generally address' the range of topic areas set out in the Planning Policy Statement 1 supplement (ET7 to ET22), and, therefore, at a general level, the withdrawal of the Eco-towns supplement to Planning Policy Statement 1 would not affect the delivery of the Whitehill-Bordon 'eco-town' scheme (now called 'Green Town').
- 3.26 During the telephone interviews with the authorities, one interviewee commented that the cancellation of the Eco-towns supplement to Planning Policy Statement 1 would mean that there is one less 'lever' in place to secure the delivery of the eco-towns – this lever may be particularly important in Cornwall and Cherwell Districts due to the lack of an adopted Local Plan.
- 3.27 Where there is planning policy in place at the local level relating to the delivery of the eco-towns, for example in the Broadland Growth Triangle Area Action Plan and the St Austell, St Blazey and China Clay Area Regeneration Plan, the criteria have not generally been designed to reflect all of the standards set out in the Planning Policy Statement. During the telephone interviews, the Councils indicated that they did not consider it to be realistic to try to meet all of those standards as the development would become financially unviable. Rather, the Planning Policy Statement criteria were used as a starting point and adapted to be achievable and to reflect local circumstances, although in the case of Whitehill-Bordon, the officer was of the view that the Local Plan policies essentially reiterate and supplant at a local level the policies in the Eco-towns supplement to Planning Policy Statement 1.
- 3.28 While the policy/standards that would be in place in the absence of the Eco-towns supplement to Planning Policy Statement 1 are sometimes less stringent (as described in the previous section), if the Eco-towns supplement to Planning Policy

Statement 1 standards are not in reality being carried forward into local level policy and guidance for the eco-towns, the effects of the cancellation of the Eco-towns supplement to Planning Policy Statement 1 may be less significant than might be first thought. If indeed some, if not all, of the four eco-towns are not being planned to meet all of the criteria set out in the Eco-towns supplement to Planning Policy Statement 1, this also gives rise to the question of whether they can in fact be considered to be eco-towns in the strictest sense of the term.

3.29 The telephone interviews with the local authorities indicated that, while the delivery of some of the eco-towns does not hinge directly on the Eco-towns supplement to Planning Policy Statement 1 being in place, its cancellation would remove a helpful planning tool and it would become even more difficult than it already is to meet high standards of development. For East Hampshire, where an adopted plan is in place, the officer expressed concern at the apparent ‘watering-down’ of the commitment to raising environmental standards and performance and a proposed future sole reliance on Building Regulations:

“We genuinely believe that we are advancing thinking on improved standards and performance that will deliver real benefits to householders, developers and government. We are working with national thought leaders and practitioners on this agenda and would welcome continued recognition of the benefits of this work within the statutory planning process”.

3.30 The East Hampshire officer nonetheless acknowledged that the allocation at Whitehill-Bordon was originally subject to Strategic Environmental Assessment (and Habitats Regulations Assessment) in the South East Plan, the revocation (with partial saving) of the South East Plan was the subject of both Strategic Environmental Assessment and Habitats Regulations Assessment, and that the Local Plan was subject to both Strategic Environmental Assessment and Habitats Regulations Assessment and was found to be acceptable.

3.31 Some of the interviewees commented that it would be helpful to keep the Eco-towns supplement to Planning Policy Statement 1 in place at least until the relevant planning applications are determined. If the four eco-town developments do still go ahead, the cancellation of the Eco-towns supplement to Planning Policy Statement 1 may mean that they are not built to such high environmental standards. One of the local authorities raised the point that, if developers are not building to the Eco-towns supplement to Planning Policy Statement 1 standards with the policy in place, they would be even less likely to if the Eco-towns supplement to Planning Policy Statement 1 were to be cancelled. Conversely, it is clear that through the substantial work undertaken to date by the eco-town developers and relevant local authorities, the proposed developments at the eco-town locations are still likely to be exemplar sustainable developments. Nevertheless, while not all of the standards in the Eco-towns supplement to Planning Policy Statement 1 are necessarily being met in all four locations, the Eco-towns supplement to Planning Policy Statement 1 has played an important role in lifting standards, and this would be lost with its cancellation.

3.32 While the National Planning Policy Framework would still apply to development in the four locations, it would not require the same specific standards as the Eco-towns supplement to Planning Policy Statement 1. However, in light of the fact that the standards in the Eco-towns supplement to Planning Policy Statement 1 do not appear to be being pursued in their entirety in the four potential eco-town locations currently, (and recognising that this may not be inconsistent with the policies within the Eco-towns supplement to Planning Policy Statement 1 (see for example, ET 4.2)), it is considered that the environmental effects of cancelling the Eco-towns supplement to Planning Policy Statement 1 would not be significant.

Does the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 require Strategic Environmental Assessment?

3.33 The Government has made a commitment to carry out Strategic Environmental Assessment of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 “to comply with European Union law”. The screening stage of Strategic Environmental Assessment seeks to determine whether the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is likely to give rise to significant environmental effects. If it is likely to give rise to significant environmental effects, then the next stages in the process of Strategic Environmental Assessment should be undertaken. If not, then no further Strategic Environmental Assessment work needs to be carried out, and a screening statement explaining this decision will be published by the Department for Communities and Local Government.

3.34 Our assessment has shown that there is a range of policy and standards that will continue to apply under the planning system if the Eco-towns supplement to Planning Policy Statement 1 were to be cancelled. In some instances these policies and standards are not as specific or as stringent as can be found in the Eco-towns supplement to Planning Policy Statement 1.

3.35 However, experience from the four named potential eco-town locations in Annex A suggests that it is virtually impossible to apply all the standards in the Eco-towns supplement to Planning Policy Statement 1 without compromising the viability of the eco-town proposal. Therefore, in practice, some of the standards are already not being applied to their full extent. As a result, it is likely that none of the four potential eco-town locations that are listed in Annex A are going to meet in full the criteria for eco-towns.

3.36 Para ET 1.1 of the Eco-towns supplement to Planning Policy Statement 1 states that: “*Eco-town proposals should meet the standards as set out in this Planning Policy Statement or any standards in the development plan which are of a higher standard.*”

3.37 As these standards are not being met in their entirety, by definition, even the proposals for the locations listed in Annex A cannot be considered to be ‘eco-towns’ in the strict interpretation of para ET 1.1. Furthermore, the Department of Communities and Local Government is unaware of any other eco-town proposals coming through the planning system, and the Eco-towns Programme has been

wound up, so there is no specific Government funding available to plan and deliver them.

- 3.38 In this respect, it can be considered that it is unlikely that there will be significant environmental effects from cancelling the Eco-towns supplement to Planning Policy Statement 1, because it is not being applied in practice in accordance with the way that the Eco-towns supplement to Planning Policy Statement 1 is worded.
- 3.39 As a result, it would appear that any significant positive effects that might have been anticipated to arise from the Eco-towns supplement to Planning Policy Statement 1 when it was published are likely to have become weakened in practice because the standards are not being fully applied. This in turn means that the likelihood of significant environmental effects arising from cancellation of the Eco-towns supplement to Planning Policy Statement 1 is further reduced, bearing in mind the other policy and regulatory safeguards that will remain in place. If the Eco-towns supplement to Planning Policy Statement 1 were to be cancelled, other national policy, regulations and legislation such as the Strategic Environmental Assessment Regulations and Environmental Impact Assessment Regulations should help to ensure that significant adverse environmental effects are avoided or mitigated.

Conclusion

- 3.40 Taking all the above factors into account, it is concluded that cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to give rise to significant environmental effects, and therefore does not require Strategic Environmental Assessment.
- 3.41 It should be noted that the local planning authorities within which the four potential eco-towns listed in Annex A of the Eco-towns supplement to Planning Policy Statement 1 are located are, to a greater or lesser extent, placing some reliance on the Eco-towns supplement to Planning Policy Statement 1 in seeking to deliver development to more stringent standards than would otherwise be the case, even though not all the standards in the Eco-towns supplement to Planning Policy Statement 1 are likely to be met. Cancelling the Eco-towns supplement to Planning Policy Statement 1 is likely to mean that, in some instances, the local planning authorities will find it more difficult to make the planning case for the more stringent standards that they are currently seeking to pursue. While this could have implications for the plan preparation and development management processes, it does not follow that this will, by itself, lead to significant environmental effects.

4 Habitats Regulations Assessment Screening

Introduction

- 4.1 The requirement to undertake Habitats Regulations Assessment of plans and projects was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010⁴³ and again in 2012⁴⁴.
- 4.2 The Habitats Regulations Assessment refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas and Special Areas of Conservation :
- Special Protection Areas are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
 - Special Areas of Conservations are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 4.3 Potential Special Protection Areas⁴⁵, candidate Special Areas of Conservation⁴⁶, Sites of Community Importance⁴⁷ and Ramsar sites should also be included in the assessment.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 4.4 For ease of reference during Habitats Regulations Assessment, these designations are collectively referred to as European sites despite Ramsar designations being at the international level.

⁴³ The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

⁴⁴ The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

⁴⁵ Potential Special Protection Areas are sites that have been approved by Government and are currently in the process of being classified as Special Protection Areas.

⁴⁶ Candidate Special Areas of Conservation are sites that have been submitted to the European Commission, but not yet formally adopted.

⁴⁷ Sites of Community Importance are sites that have been adopted by the European Commission but not yet formally designated as Special Areas of Conservation by the Government.

4.5 Regulation 61(1) of the Habitats Regulations states that:

“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives”.

4.6 Therefore, the overall purpose of the Habitats Regulations Assessment is to conclude whether or not a plan or project would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site’s ‘qualifying features’ (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated).

Does the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 require Habitats Regulations Assessment?

4.7 Paras ET 16.1 and ET 16.2 of the Eco-towns supplement to Planning Policy Statement 1 state that:

“Eco-towns should demonstrate a net gain in local biodiversity and planning permission may not be granted for eco-town proposals which have a significant adverse effect on internationally designated sites or Sites of Special Scientific Interest.

If after completing an appropriate assessment of a plan or project local planning authorities are unable to conclude that there will be no adverse effects on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies. It is unlikely that proposals for eco-towns will meet the requirements of Article 6(4) of the Habitats Directive. In appropriate cases, local planning authorities may consider the scale and mass of the eco-town necessary to avoid adversely affecting the integrity of European sites. In the event that the authority concludes that it cannot allocate an eco-town of the minimum 5,000 dwellings or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the closest to the minimum size for which it can be concluded that it does not affect the integrity of any European sites”.

4.8 The Eco-towns supplement to Planning Policy Statement 1 therefore provides strong policy safeguards that will ensure that eco-towns will not affect the integrity of European sites.

4.9 Should the Eco-towns supplement to Planning Policy Statement 1 be cancelled, then these policy safeguards will no longer be in place. However, the National

Planning Policy Framework includes strong safeguards for European sites, including that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

- 4.10 Irrespective of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1, and notwithstanding the policy protection provided by the National Planning Policy Framework in the absence of the Eco-towns supplement to Planning Policy Statement 1, the Habitats Regulations will continue to apply, both during potential consideration of an eco-town for allocation within a local plan, and at the planning application stage. The Habitats Regulations provide strong safeguards that in all cases except where there are 'imperative reasons of overriding public interest' (Regulation 62(1) of the Habitats Regulations), a plan or project should only proceed where it can be ascertained that it will not adversely affect the integrity of a European site.
- 4.11 It is highly unlikely that an eco-town proposal will come forward that will be able to meet the exceptional test of 'imperative reasons of overriding public interest', and therefore it can be concluded with some confidence that an eco-town proposal that will adversely affect the integrity of a European site will not receive planning consent.

Conclusion

- 4.12 For all the reasons given above, it can be concluded that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have a significant effect on a European site (either alone or in combination with other plans or projects), and therefore the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 does not require appropriate assessment under the Habitats Regulations

5 Conclusions

- 5.1 The Government has made a commitment to undertake Strategic Environmental Assessment of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1. The Eco-towns supplement to Planning Policy Statement 1 provides discretion for local planning authorities to consider whether or not they wish to pursue eco-towns through the planning process. Paragraph ET 4.1 of the Eco-towns supplement to Planning Policy Statement 1 sets out that eco-towns are one of a range of options local planning authorities should consider when determining how to meet their current or emerging housing requirements. Even for those local planning authorities who have an eco-town location named within in Annex A within their area, it is clear from paragraph ET 4.2 of the Eco-towns supplement to Planning Policy Statement 1 that there is no requirement to allocate an eco-town if a better way exists of meeting future needs.
- 5.2 Given that the Eco-towns Programme has now been stopped, and that eco-town proposals are no longer provided with Government funding to assist with their progress through the planning process and their delivery, there is little incentive for local planning authorities or developers to bring forward eco-town proposals. The standards set by the Eco-towns supplement to Planning Policy Statement 1 are challenging to meet in full, and the costs are unlikely to make them justifiable without public sector funding support. With the exception of the four named eco-town locations in Annex A of the Eco-towns supplement to Planning Policy Statement 1, the Department for Communities and Local Government is unaware of any eco-town proposals coming forward through the planning system.
- 5.3 The Strategic Environmental Assessment screening assessment has shown that the significant environmental effects of eco-town proposals can only usefully be determined at the local level through the Local Plan preparation process. The Eco-towns supplement to Planning Policy Statement 1 sets down principles and standards, but it is how these are applied locally that will determine the significance of any environmental effects. In any event, it is unlikely that the standards in the Eco-towns supplement to Planning Policy Statement 1 will be met in full, and safeguards with respect to the environment will continue to be provided by remaining policy such as the National Planning Policy Framework and other policy guidance and regulations. Local Plans will still need to be subject to Sustainability Appraisal/Strategic Environmental Assessment, which should be used by local planning authorities to avoid or mitigate significant environmental effects, and where appropriate development proposals will still be subject to Environmental Impact Assessment.
- 5.4 In conclusion, therefore, we are of the view that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely, by itself, to give rise to significant environmental effects. Therefore, it is not necessary to carry out further Strategic Environmental Assessment work.

5.5 Similarly, the Habitats Regulations will continue to apply to plans and projects, whether or not they are proposed eco-towns, and irrespective of the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1. The proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have a significant effect on a European site (either alone or in combination with other plans or projects), and therefore the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 does not require appropriate assessment under the Habitats Regulations.

Appendix 1

Comments received from Statutory Consultees on Draft Strategic Environmental Assessment Screening Report

Consultation comments from statutory consultees on Draft Strategic Environmental Assessment Screening Report and how these have been address in the Final Strategic Environmental Assessment Screening Report (September 2014)

Consultee Comment	Response/comment
<p>Environment Agency</p>	
<p>In general we accept the conclusions of the Strategic Environmental Assessment screening report that removal of the Planning Policy Statement 1 Supplement will not have significant environmental effects. However, there is an important exception with regard to North West Bicester where we believe removal of the Planning Policy Statement before the local plan is adopted risks delays to development, additional costs and adverse environmental impacts. We recommend the Department of Communities and Local Government engage with Cherwell District Council to seek a way to reduce this risk.</p>	<p>Noted. Some of the issues noted in this comment (potential delays to development and additional costs) relate to implications for the plan preparation and development management processes, rather than environmental effects, and therefore do not affect the Strategic Environmental Assessment Screening conclusions. The potential for other implications of cancelling the Eco-towns supplement to Planning Policy Statement 1 is acknowledged in paragraph 3.40 of the Screening Report.</p> <p>The final point relating to the risk of adverse environmental impacts will need to be considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken at the local level for the Cherwell District Plan. As described in Chapter 3 of the Screening Report, sustainable developments are still likely to take place at the four locations; therefore it is not considered likely that cancelling the Eco-towns supplement to</p>

	<p>Planning Policy Statement 1 will result in significant negative environmental effects. Any changes to specific proposals at each location that may come forward following cancellation of the Eco-towns supplement to Planning Policy Statement 1 will be assessed through Local Plan Strategic Environmental Assessment work and assessment of the planning applications and their associated Environmental Impact Assessment work against national and local policy.</p> <p>LUC contacted all four Councils listed in Annex 1 of the Planning Policy Statement in order to identify the impact that of cancelling the Planning Policy Statement. The Town and Country Planning Association separately contacted Cherwell District Council in relation to this issue on behalf of the Department for Communities and Local Government. As stated in paragraph 5.4 of this report, the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely, by itself, to give rise to significant environmental effects. There is a risk that cancellation may impact on the time taken to finalise the Local Plan and, until this Plan is in place, on any development management proposals. The hearings into the examination of the Local Plan are scheduled to take place in December. Any delay to the Plan-making and decision-making process may be mitigated by the fact that Cherwell District Council may afford weight in planning decisions to emerging policies and evidence before the Plan is finally adopted. Given this, there is unlikely to be any significant environmental effects between the cancellation of the Planning Policy Statement and the adoption of the Local Plan.</p>
<p>We have been involved with all 4 eco-towns as a consultee and have helped them work towards achieving high environmental standards. Locally driven exemplar developments with high environmental standards can provide learning and test beds for innovative approaches to inform future development more widely. We continue to work with government to advise on appropriate standards for new development, including our continued</p>	<p>Noted, no action required.</p>

<p>involvement with the Department for Communities and Local Government on the Housing Standards Review.</p>	
<p>Consultation Question 1: <i>Based on the information provided in this report, do the statutory consultation bodies agree with us that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have significant effects on the environment (and, accordingly, does not require environmental assessment)?</i></p> <p>In general we agree with the conclusion that the proposed cancellation of the eco-towns Planning Policy Statement is unlikely, by itself, to give rise to significant environmental effects compared to ‘business as usual’. We also share the conclusion that it may be harder for the environmental standards to be achieved at the 4 sites if the policy is removed.</p> <p>However, with regard to North West Bicester, removal of the Planning Policy Statement Supplement before the local plan is adopted risks delays to development, additional costs and adverse environmental impacts.</p> <p>We suggest that the Screening Report should be improved by considering the removal of the Planning Policy Statement in relation to local plan status at each of the sites.</p>	<p>Noted. Some of the issues noted in this comment (potential delays to development and additional costs) relate to implications for the plan preparation and development management processes, rather than environmental effects, and therefore do not affect the Strategic Environmental Assessment Screening conclusions. The potential for other implications of cancelling the Eco-towns supplement to Planning Policy Statement 1 is acknowledged in para. 3.40 of the Screening Report.</p> <p>The final point relating to the risk of adverse environmental impacts will need to be considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken at the local level for the Cherwell District Plan. As described in Chapter 3 of the Screening Report, sustainable developments are still likely to take place at the four locations; therefore it is not considered likely that cancelling the Planning Policy Statement will result in significant negative environmental effects. Any changes to specific proposals at each location that may come forward following cancellation of the Eco-towns supplement to Planning Policy Statement 1 will be assessed through Local Plan Strategic Environmental Assessment work and assessment of the planning applications and their associated Environmental Impact Assessment work against national and local policy.</p> <p>The status of each of the four relevant Local Plans has been considered in paragraph 2.11 of the Screening Report.</p>
<p>Comments regarding North West Bicester</p> <p>We are concerned that in places the report does not accurately reflect the situation in North West Bicester. In practice a number of planning applications have been submitted, based on the Planning Policy Statement Supplement standards, and work has started on the ground at ‘the Exemplar site’ which includes 393 dwellings.</p> <p>Removal of the Planning Policy Statement Supplement before the</p>	<p>The current status of each of the four Eco-town locations, including North West Bicester, has been considered in paragraph 2.11 of the Screening Report. This section of the report has been updated since the draft version and reference to development of the ‘Exemplar’ site at North West Bicester has been added.</p> <p>Some of the issues noted in this comment (potential delays to development and additional costs) relate to implications for the plan preparation and development management processes, rather</p>

<p>local plan is adopted risks delaying development going ahead due to the need to repeat planning work and assessments, additional costs and unknown impacts on the environment. Our concerns are shared by Cherwell District Council. Cherwell District Council does not anticipate having an adopted local plan until 2015.</p>	<p>than environmental effects, and therefore do not affect the Strategic Environmental Assessment Screening conclusions. The potential for other implications of cancelling the Eco-towns supplement to Planning Policy Statement 1 is acknowledged in paragraph 3.40 of the Screening Report.</p> <p>The final point relating to the risk of adverse environmental impacts is being considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken for the Cherwell District Plan. As described in Chapter 3 of the Screening Report, sustainable developments are still likely to take place at the four locations; therefore it is not considered likely that cancelling the Eco-towns supplement to Planning Policy Statement 1 will result in significant negative environmental effects. Any changes to specific proposals at each location that may come forward following cancellation of the Eco-towns supplement to Planning Policy Statement 1 will be assessed through Local Plan Strategic Environmental Assessment work and assessment of the planning applications and their associated Environmental Impact Assessment work against national and local policy.</p>
<p>North West Bicester - Planning Applications - Before there is an adopted local plan in place, Cherwell District Council anticipate that planning applications will rely heavily on the PPS supplement to support their appropriateness and avoid challenges. Our pre-application advice (and the work of Cherwell District Council, the developer and their consultants) over a number of years has been based on how the Planning Policy Statement 1 Supplement sustainability standards can be met. For example, at a water demand of 80l/p/d there are no issues with water availability but if this water demand standard is no longer met the impacts on the environment are unknown. If the standards are changed this is likely to result in the local authority and consultees, including us, needing to reassess environmental risks and mitigation. This could result in delays to the development going ahead, additional costs, as well as reduced environmental</p>	<p>Some of the issues noted in this comment (potential delays to development and additional costs) relate to implications for the plan preparation and development management processes, rather than environmental effects, and therefore do not affect the Strategic Environmental Assessment Screening conclusions. The potential for other implications of cancelling the Eco-towns supplement to Planning Policy Statement 1 is acknowledged in paragraph 3.40 of the Screening Report.</p> <p>The final point relating to the risk of adverse environmental impacts will need to be considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken at the local level for the Cherwell District Plan. As described in Chapter 3 of the Screening Report, sustainable developments are still likely to take place at the four locations; therefore it is not considered likely that cancelling the Eco-towns supplement to</p>

<p>performance. For example delivery of the biodiversity and green infrastructure standards, closely integrated with 'blue corridor' and sustainable urban drainage provisions, risk not being met. The local Ardley Energy from Waste element of the zero carbon energy strategy may also be adversely affected.</p>	<p>Planning Policy Statement 1 will result in significant negative environmental effects. Any changes to specific proposals at each location that may come forward following cancellation of the Eco-towns supplement to Planning Policy Statement 1 will be assessed through Local Plan Strategic Environmental Assessment work and assessment of the planning applications and their associated Environmental Impact Assessment work against national and local policy.</p>
<p>Local Plan Strategic Environmental Assessment The Strategic Environmental Assessment for the Local Plan was carried out based on North West Bicester meeting Planning Policy Statement Supplement standards – the Strategic Environmental Assessment may have to be revisited if those standards are not guaranteed.</p>	<p>Noted. The Strategic Environmental Assessment for the Cherwell Local Plan will have been carried out on the basis of the policy wording within the Local Plan itself, much of which has been drawn from the wording of the Eco-towns supplement to Planning Policy Statement 1. Any changes to policy wording in the Local Plan due to cancellation of the Eco-towns supplement to Planning Policy Statement 1 will need to be considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken at the local level for the Cherwell District Plan.</p>
<p>National exemplar – Based on the Planning Policy Statement Supplement, the work at North West Bicester has sought to create a large scale national exemplar development which would be unique in the UK. Important lessons have been learnt from the work that has been undertaken and this is being actively disseminated through initiatives such as the Eco Bicester Living Lab (a collaboration with Oxford Brookes University and Bio Regional). The exemplar potentially provides solutions that can be replicated elsewhere in large scale developments, such as new Garden Cities.</p>	<p>Noted. No action required for the Strategic Environmental Assessment Screening process.</p>
<p>Comments regarding Whitehill Bordon eco town We agree that the removal of the Planning Policy Statement would not result in significant environmental effects at Whitehill Bordon eco-town. However, the local plan sustainable water management policy refers to water neutrality and also the need for development to achieve Code for Sustainable Homes Level 5/6 for water. We believe that this may be challenged following</p>	<p>This issue is recognised in the Screening Report (see paragraph 3.18). Some of the issues noted in this comment (potential delays to development and additional costs) relate to implications for the plan preparation and development management processes, rather than environmental effects, and therefore do not affect the Strategic Environmental Assessment Screening conclusions. The</p>

<p>the removal of the Planning Policy Statement Supplement and also the outcomes of the Housing Standards Review which looks to remove the Code for Sustainable Homes. If the standards are changed this is likely to result in the local authority and consultees, including us, needing to reassess environmental risks and mitigation. This could result in delays to the development going ahead, additional costs, as well as reduced environmental performance.</p>	<p>potential for other implications of cancelling the Eco-towns supplement to Planning Policy Statement 1 is acknowledged in paragraph 3.40 of the Screening Report.</p> <p>The final point relating to the risk of adverse environmental impacts will need to be considered through the Strategic Environmental Assessment/Sustainability Appraisal work that is being undertaken at the local level for the Cherwell District Plan. As described in Chapter 3 of the Screening Report, sustainable developments are still likely to take place at the four locations; therefore it is not considered likely that cancelling the Planning Policy Statement will result in significant negative environmental effects. Any changes to specific proposals at each location that may come forward following cancellation of the Eco-towns supplement to Planning Policy Statement 1 will be assessed through Local Plan Strategic Environmental Assessment work and assessment of the planning applications and their associated Environmental Impact Assessment work against national and local policy.</p> <p>It is not within the scope of this report to address the potential impacts of the Housing Standards Review.</p>
<p>Consultation Question 2 (Natural England only): <i>Based on the information provided in this report, does Natural England consider that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have a significant effect on a European site (either alone or in combination with other plans or projects), and therefore the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 does not require appropriate assessment under the Habitats Regulations?</i></p> <p>The proposal does not impinge on our remit and we therefore have no comment to make.</p>	<p>Noted, no action required.</p>
<p>Natural England</p>	
<p>Consultation Question 1: <i>Based on the information provided in this report, do the statutory consultation bodies agree with us that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have significant effects</i></p>	<p>Noted, no action required.</p>

<p><i>on the environment (and, accordingly, does not require environmental assessment)?</i></p> <p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) , that there are unlikely to be significant environmental effects from the proposed withdrawal of the policy statement.</p>	
<p>Consultation Question 2 (Natural England only): <i>Based on the information provided in this report, does Natural England consider that the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 is unlikely to have a significant effect on a European site (either alone or in combination with other plans or projects), and therefore the proposed cancellation of the Eco-towns supplement to Planning Policy Statement 1 does not require appropriate assessment under the Habitats Regulations?</i></p> <p>Natural England supports the justification provided for not undertaking a Habitats Regulations Assessments on the withdrawal of the planning policy statement and considers that there are unlikely to be significant effects on a European site (either alone or in combination) from doing so. We therefore support the decision not to undertake appropriate assessment at this stage. This does not affect our earlier advice that individual appropriate assessments may be required for projects that are being brought forward as eco-towns.</p> <p>Please note that Natural England reserves the right to provide further comments on this proposal beyond this Strategic Environmental Assessment screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.</p>	<p>Noted, no action required.</p>

