

# CASCET Response to the Draft Planning Policy Statement on Eco-Towns



**CASCET**

CAMPAIGN AGAINST THE  
STOUGHTON CO-OP ECO TOWN

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This response has been submitted by the following members of CASCET:

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In addition there are many other supporters of CASCET who have provided help and advice throughout the period of the consultation.

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# 1 Introduction

As the course for the eco-town programme has proceeded, it has become very clear that the process has been a great deal more complicated than first thought by the Department for Communities and Local Government (DCLG) when it first set out on the scheme.

Timescales and deadlines for consultations and decisions throughout the eco-town programme have slipped; some of them by several months. Public awareness has perhaps been far greater than anticipated, especially in the areas where shortlisted eco-town locations remain. A legal challenge has taken place, with the potential for many more to come. Few local authorities have been supportive of the process for deciding eco-town locations or indeed the final selection of exemplar sites. Regional planning procedures and local development frameworks have been sidelined.

And at the end of the initial part of the process outlined in “Eco-towns – living a greener future”, with the consultation on the draft PPS on eco-towns now drawing to a close CASCET submit that there remain a number of specific and fundamental flaws in the Government’s approach, in particular:

## 1. The need for a separate PPS relating to “eco-towns”

Apart from the identification of the short-listed sites, there is very little if anything in the draft PPS which is not already reflected in existing guidance, such as PPS1 (and its supplement: Planning and Climate Change) and PPS3, or could be with some slight amendments. If the government considers that its environmental planning policies should be strengthened, then this should apply to all developments, and not just be restricted to “eco-towns”. Sustainable urban extensions (SUE), large urban developments, and all housing developments should be constrained by the same environmental, carbon-saving policies. These “Eco-Policies” could then be used by local planning authorities and developers to ensure developments meet the relevant sustainability code standards and other measures included in the planning guidance.

## 2. Specific exemplar eco-town sites should not be identified in a PPS

Site specific proposals should not be identified in a national PPS as this could undermine the planning process at the regional and local level.

There is a growing body of legal opinion that the Government’s eco-town proposals (as now embodied in the draft PPS) are inconsistent with the intention of Parliament as expressed through current planning legislation. In July 2008 John Steel QC and James Strachan (in a published written opinion) jointly advised the Local Government Association that:

1. The Government’s proposed promotion of eco-towns through a new Planning Policy Statement (“PPS”) is contrary to the basic principle – expressed through the planning legislation – of the plan-led system of development control.
2. This conflict is all the more acute because the concept of an eco-town does not appear to be materially different from the concept of providing housing in new settlements in an environmentally sustainable way, something which is already recognised in PPS3 on Housing. There therefore does not appear to be any compelling justification or rationale for seeking to promote eco-towns outside the existing statutory plan-led system, other than the government’s wish to avoid the system due to the need for proper scrutiny, which takes time. It is to be noted that the government seeks to use the current planning legislation and is not to introduce any new legislation, such was the case with other forms of development which came forward under different statutory planning regimes.

3. The Government's stated intention is to rely on new PPS policy which is to be published later this year after consultation. The proposal is for the new PPS to support and promote designated eco-towns which have been selected after a form of competition and which appears to be designed to circumvent the normal plan-led process; it would do so by creating a new policy framework for site specific proposals, which the Government could then treat as a material consideration in determining planning applications for such eco-towns, notwithstanding that the eco-town proposal in question may otherwise conflict with the provisions of the development plan. This is clearly contrary to the legislative intention of development control through a plan-led system.
4. The conflicts identified above will be particularly serious in respect of attempts to promote eco-towns through the PPS where:
  - i. Such eco-towns have already been rejected through the RSS process; or
  - ii. When purporting dealing with consideration of alternative options, particularly alternatives which can properly invoke the term "eco-town" in all respects save for the fact that they are not included on the Government's final list of selected sites; or
  - iii. In dealing with the obvious point that an eco-town promoted in this way would be premature (within the meaning of PPS1 and the accompanying guidance) to the development plan process.
5. Given the description and intent of the proposed PPS, the Government's aspiration to identify and promote specific eco-towns may well amount to a "plan or programme" within the meaning of Directive 2001/42/EC and the relevant implementing Regulations. If this is the case, the Government has a legal duty to carry out a proper Strategic Environmental Assessment ("SEA"). There is nothing to indicate that the Government has complied with that duty to date. Nor is it clear how it will be able to deal properly with that duty retrospectively, and in particular the obligation to consider alternatives as a necessary part of any SEA.
5. We consider the promotion of specified "eco-towns" in this way in conflict with the plan-led systems is an error of law in that it is inconsistent with the legislative framework, fails to address relevant considerations, is illogical or is otherwise irrational. While there would be potential grounds for challenging the Government's expressed approach now, and we see a real problem for the Government in being able to advance any lawful policy, we consider it would be appropriate to await the publication of the PPS (or at least its draft) to see how the Government is proposing to take this forward"

More recently John Hobson QC has advised the Campaign to Protect Rural England (also in a published written opinion) that:

- i. By identifying specific locations which have been selected through the Eco-towns Programme and listing these in an Annex to the draft PPS, the government are creating an anomaly that has the potential for subverting the plan led system which it professes to be maintaining;
- ii. The comment in paragraph 2.4 (of the draft PPS) that "there is no requirement to allocate an eco-town if a better way of meeting future needs exists" sits uneasily with the statutory requirement that "in preparing a local development document the local planning authority must have regard to (a) national policies and advice contained in guidance issued by the Secretary of State;
- iii. Notwithstanding, the inclusion of specific locations in the Secretary of State's guidance, which the Secretary of State requires to be given 'material weight' (paragraph 2.9), may unduly constrain local planning authorities in the exercise they have to conduct in the preparation of local development documents;
- iv. In accordance with the plan-led approach, decisions about proposed development, and certainly in

relation to proposals on the scale envisaged, should be considered through the preparation of the Development Plan Documents. By the identification of these selected sites outside that process, and requiring that they be given “material weight” the government would be usurping the function of the local planning authorities and distorting the plan making process;

- v. Through the stipulation that material weight should be given to the fact that a site has been identified through the Eco-towns Programme the government is requiring that it be afforded a favourable presumption above any other sites or alternative ways of meeting the needs of the area. This is contrary to the principle that it is for the local planning authority to decide what weight should be attributed to the various material considerations. Furthermore in a case where a Development Plan Document is being prepared or under review, it would be premature to treat an application favourably just because it has emerged through the Eco-towns Programme;

Thus Mr Hobson QC concludes that the proposal to include a list of sites which have been identified as suitable locations to be given material weight is fundamentally flawed. There is no other situation in the PPS or PPG system in which national planning guidance has sought to identify site specific locations for particular forms of new development. It would subvert the plan-led system by effectively removing such allocations from the LDF process and would usurp the function of the local planning authorities concerned. Furthermore, Mr Hobson concludes that the approach adopted towards the Sustainability Appraisal and Habitats Regulation Assessment of the draft PPS is defective because:

- i. The only alternatives considered were those which were “deemed to fulfil the broad eco-town criteria”. There was no attempt to consider and compare alternative means of meeting the housing needs of the areas, for example by brown field development or urban extensions;
- ii. The fact that a further and more detailed (Environmental Impact) assessment will be provided with a planning application does not excuse a failure to carry out an assessment in accordance with the requirements of the SEA Directive when promulgating proposals which include the identification of specific locations for development.

The recent unsuccessful legal challenge to the Eco-towns Programme by BARD in the Administrative Court (which is, however, currently subject to an application for permission to appeal) is not relevant to any of the issues raised above, as that challenge was concerned with the consultation document issued in April 2008 (“Eco-towns - Living a Greener Future”), and as the Judge in that case pointed out, there have been a number of further developments subsequent to the publication of the consultation document, including alterations to the proposed shortlist, the publication of the sustainability appraisals, and the publication of the draft Planning Policy Statement itself, and the proceedings did not involve challenges to these further developments.

The East Midlands Plan (RSS) has now been published, and a mini-review is already underway. Future housing growth in Leicestershire and indeed across the Region should continue to be based on where the housing is most needed. This has been accomplished in the past by the strategic authority discussing the housing needs with each of the local planning authorities and then formulating the optimum sites for growth through the local development frameworks. Leicestershire County Council and the Regional Assembly have consistently opposed the location of any housing development on the Co-op’s Stoughton Estate due to its lack of transport infrastructure, green wedge status and landscape character.

## 2 CASCET Response to the Draft PPS on Eco-Towns

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

- i. No; the draft PPS should state clearly that eco-towns should be progressed through the RSS and LDF process, along with all other strategic housing developments, since this is the best means to ensure that proposals are thoroughly tested and alternatives considered. Paragraphs 2.7 - 2.9 are ambiguous on this point and should be clarified. Site specific proposals should not be identified in a national PPS as this could undermine the planning process at the local level.
- ii. The PPS should give clear guidance as to exactly how eco-towns should be dealt with in development plans – for example in Core Strategies where they are out of sync with the regional planning process.
- iii. The PPS should be clear that the eco-town programme sites should be tested against other options for meeting additional housing growth and the final sentence of paragraph 2.2 amended accordingly.
- iv. Para 2.4 suggests that Core Strategies should include the option of an eco-town to meet future development where an eco-town has been identified in the eco-town programme in order to meet current or emerging housing requirements. However, they are not to be finally allocated if better options to meet housing need exist. In circumstances where the level of current housing requirement can be met through options which conform to current regional policy and do not require new settlement, there appears no need to include the eco-town option even if in the eco-town programme. The relationship with RSS and Core Strategies needs better setting out since there is a clear issue here of a planning policy statement which appears at odds with the principles of PPS 11 and 12.
- v. Also, this draft PPS simplifies these processes and focuses significantly on a narrow aspect of sustainability –principally home energy/water production/consumption and building performance as a delivery mechanism and primary determining indicator for building new eco-towns. This is an unbalanced approach and should consider other critical demographic, economic, and environmental, place making, community requirements and consequential impacts.

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

- i. The Eco-town prospectus and locational requirements as outlined in the draft PPS do not take into account complex interdependencies and regional/local conditions and circumstances within which an eco-town is expected to function.
- ii. Hence the guidance concerning locational requirements for eco-towns is neither clear nor workable. The possible consequences or impacts of large scale new town planning on local, sub regional and regional spatial and economic strategies are not clearly explained, nor highlighted.
- iii. In paragraph 3.2, the criteria listed for optimal location for eco towns refers to the eco town programme itself becoming a planning consideration. The programme however has only been based on those sites being promoted by developers and some sites have already been withdrawn. It is not clear how the programme itself can serve to provide locational guidance and the PPS should be clear on how other eco town locations which regional authorities might wish to propose and which are not currently in the programme might be promoted.
- iv. It is illogical and inconsistent not to include housing need as one of the locational requirements for eco-towns in paragraph 3.2. All the DCLG statements on eco-towns have emphasised their important role in housing delivery and the links to the Housing Green Paper and the concept of new settlements is introduced in PPS 3 in the context of

areas where “the need and demand for housing is high” (paragraph 37, PPS 3). Paragraph 7, Part 1 Introduction of the draft PPS uses the same language as PPS 3 and paragraph 14 states that PPS 3 will be amended to make it clear that eco-towns are one type of new settlement. Housing need is an important criterion which will have a direct bearing on the size and location of any new settlement, including potential eco-towns, and the draft PPS should recognise this. Paragraph 3.2 on page 13 should be amended, by the addition of a point (e), to reflect this.

- v. The meaning of point (b) in paragraph 3.2 on page 13 is ambiguous. It is not clear whether this refers just to on-site employment or also to employment opportunities at a nearby higher-order centre.

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

- i. Eco-towns are a move into uncharted territory. There are uncertainties and risks in the far-reaching requirements for an eco-town which may affect the marketability and saleability of them, hence undermining their viability. Placing so much dependency on a small number of exemplar proposals is a high risk policy in an uncertain economic climate. The policies for environmental standards in housing developments do not need to be incorporated into a specific planning policy for eco-towns, but could be for all new developments.
- ii. It is questionable whether the consequences of such developments have been fully explored or understood. Many of the examples used in the Eco-Town prospectus and reflected in the draft PPS have been developed in a different set of cultural, social, economic and funding institutional circumstances. Consequently the PPS should be clear that more detailed and relevant contextual work is required to demonstrate viability of the proposed Eco-town sites and identify any potentially negative consequences of establishing Eco-towns in the UK and respond accordingly.
- iii. The question simplifies a complex issue. In a UK market context, it is difficult to see how in direct market terms viability can be achieved without significant public sector investment. Given the current emphasis on spatial planning dealing with funding infrastructure and delivery, the Government’s approach in relation to this issue and specifically how RSS / LDFs should deal with this matter should be set out in the PPS. Past experience from English Partnerships delivery of its Millennium Communities programme on seven sites in England to high environmental and building performance standards suggests off-setting development costs either through subsidy or direct delivery of infrastructure through servicing and other provisions. The Cyril Sweet Report commissioned by English Partnerships has also highlighted exclusions and increases in cost for housing units against the various levels of the Code for Sustainable Homes. Funding for eco-towns must not be at the expense of funding for current growth points elsewhere.
- iv. Viability in the terms of built environment is also questionable as the draft PPS focuses on particular aspects of building performance and energy/water/waste service delivery, all of which have strategic design influences and as a consequence has significant implications for place making and master planning. For example to achieve the high standards highlighted, high density development may well be a response many promoters will take.
- v. The question also concerns the viability and sustainability of the communities that will live there. This is greatly influenced by housing mix/type, employment opportunity and demographics. Evidence suggests that large scale development such as that proposed attracts younger, more economically active individuals and as a consequence higher child densities and demand for services. A consequence of creating a “specialist type of new settlement” Part2-Para2.1, may very well be an unbalanced community.

**Q4 Eco Town Standards**

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

- i. They are reasonably clear but will be tested when a planning application is submitted. However, much more work is required particularly around the modelling and profiling of these new communities over time, say over 50 years; and their likely impact and requirements on existing communities and public services/investment required.
- ii. Also, environmental standards do not require eco-towns to be constructed as exemplars, but should be introduced for all developments.

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

- i. In the UK market context, it is difficult to see how direct market viability can be achieved without some form of public sector intervention.
- ii. The high cost of meeting eco-town standards will potentially undermine their viability. Also, as new stand alone settlements, the costs of providing new infrastructure and facilities will be high.
- iii. Where potential eco-developments could reach significant size and require appropriate investment such as at Pennbury, the PPS ought to clearly state that an RSS process and public examination will look at infrastructure and issues around viability.
- iv. However it is recognised that economies of scale will provide opportunities to offset some costs and high volume modern methods of construction will also lead to efficiency and cost savings.

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

- i. The standards should apply to the whole settlement in its widest context. There are a number of standards missing, as set out below.
- ii. Master planning and urban design monitoring processes are required.
- iii. The draft PPS should expect a full and honest commitment to open book access to all developments and economic appraisals in going forward, this will enable respective authorities to make considered judgements about services and requirements.
- iv. There should be a requirement for a full impact assessment on likely and future public sector interventions across a range of service provision to determine effects on forward regeneration programmes, housing and employment provision within a sub regional context. This should also explore those inter-dependencies within which a proposed eco-town would be located.
- v. Inclusive access assessment requirements based on walking times rather than prescribing distance for access, i.e. paragraph 4.16, should reference maximum walking travel times which take into account gradients, obstructions, road crossings etc.
- vi. Equalities impact assessments concerning race/gender/disability/older people/employment and skills/ are required at an early stage in the process. The Draft PPS should reflect this as a key consideration.
- vii. Landscape characterisation and assessment is likely to be required in all greenfield locations.
- viii. Inclusion of embodied carbon in the building construction process as part of the definition of zero carbon.
- ix. Inclusion of transportation in carbon emissions as part of the definition of zero carbon.

- x. Requirement for all housing to meet code level 6 energy performance targets.
- xi. Robust economic development strategies.
- xii. Robust new community population forecasting and modelling and sensitivity testing.
- xiii. House type/mix/tenure linked to employment-occupations/salaries.
- xiv. Prescribed processes for forward and future proofing.
- xv. Where possible schemes should encourage achievement of negative carbon levels.

**Q4.4 Are any of the standards not essential?**

No.

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

- i. No; the zero carbon standard in paras 4.3-4.5 excludes carbon embodiment in the construction process and carbon emissions from transport. There is no reasonable explanation for these exclusions. This is considered to be inconsistent with the overall objectives of Eco-towns as exemplar projects.
- ii. According to the Stockholm Environment Institute transport accounts for 23% of all UK carbon emissions - the same as home energy use. It is noted that the Code for Sustainable Homes (unlike its predecessor BREEAM standards) excludes transport from its assessment. Whilst this may well be acceptable for individual buildings; it is not acceptable to exclude the impact of transport carbon emissions as part of a new town wide development process.
- iii. A consistent and clear definition of zero carbon development should be applied across government departments and agencies to avoid confusion and loopholes.
- iv. It should also be noted that Page 61 Paragraph 2.8.5 of the DCLG/Scott Wilson Eco-towns Sustainability Appraisal/Habitats Regulations Assessment of eco-towns Programme for Pennbury states "achieving genuine zero carbon development can only be met if construction and embodied impacts are considered".

**Q4.6 The climate change adaptation standard, alongside existing planning guidance, aims to ensure that eco-towns will be more future proof. Is it sufficiently clear and workable?**

- i. No; the statement concerning climate change adaptation is superficial and does not highlight the need for flexibility in master planning, design and construction process.
- ii. Solar gain/wind access through good orientation and microclimate assessment is critical to this process.
- iii. Whilst building for life standards and internal space standards will ensure some internal flexibility this also needs to be applied to the overall massing and scale of development as a whole.
- iv. It is possible that eco-town development will take the form of higher density development of a scale, size and massing not seen in the local vernacular. Development should not restrict further opportunities to adapt over time and maximise access to natural resources.

**Q4.7 Should the PPS be more prescriptive than set out in paragraph 4.9 (e) in relation to energy efficiency?**

Yes, an eco–development should be delivering to a stretched target beyond mere compliance with planned Building Regulation requirements that are due to be imposed on all forms of new residential development. It is only by exceeding the regulatory standards that the eco town can distinguish itself as an exemplar development.

*Do you agree that 70% is an appropriate level of carbon mitigation through on site means?*

No, the minimum level of carbon mitigation through on-site measures should be 80% if eco-towns are to be the national exemplars government wishes to achieve and to be consistent with one planet living principles.

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

- i. It is vital that the phasing of delivery of jobs and housing are dovetailed together from “day 1”. The employment standard as highlighted in the draft PPS is weak. Ideally for a development to be sustainable, growth must be employment led rather than housing led,
- ii. In this context relating employment provision to employment standards will result in a prescription process which will bear little or no resemblance to the local or regional economic circumstances in which an eco-town will sit.
- iii. There must be a greater commitment in this draft PPS to a sustainable balance between jobs and housing provision and a greater emphasis should be placed on economic development which reflects regional and local needs and circumstances.
- iv. This should directly link housing provision to forecasting of jobs/occupations/salaries, referenced back to housing type/mix and tenures. Otherwise unsustainable development may occur with adverse economic and environmental impacts.
- v. It is essential that an employment strategy be produced at an early stage by the promoters in the development of the proposals, and not left until the planning application.

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

This is clear and workable; however, using an accessibility matrix approach may give a more robust assessment of mobility needs.

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

- i. The principles of Paragraph 4.17 are supported, subject to the following:
- ii. Firstly local service provision should be linked to detailed demographic and robust population modelling which recognise issues concerning the make up and dynamic of the new community which will not be the same as the host community in which it sits.
- iii. Importantly for social cohesion, community and local services should also be available to those who live/work nearby or are linked to the new community to avoid a split level of service between the “old and new community”. Capacity and impact studies of community and local services should be undertaken across a range of sensitivity testing and costings, and funded by the promoters.
- iv. Inclusive access assessment for all members of the community should be undertaken, and an Equalities Impact Assessment should also be required.

### **Q4.11 The standards proposed on green infrastructure and biodiversity aim to ensure that develop-**

**ment is undertaken in such a way that it protects and enhances the best features of local landscape for the benefit of both people and wildlife. Are these standards reasonable and deliverable?**

The principles of the green infrastructure and bio-diversity proposals are supported, subject to the following:

Good baseline data will be essential. As with our comment on local services, this should be strengthened by capacity and impact assessments on accessibility and equalities. These impact assessments should also consider the impact/effect proposals may have on other green infrastructure in the locality and their management and resource implications. Options should explore the ability to link and provide networks of spaces which respond to the needs and functions of the local communities.

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

- i. Whilst standards themselves are clear significant questions remain about their deliverability.
- ii. Particular points are in terms of adoption, management and maintenance, likely revenue support required and viability arising from up-front costs. Much evidence exists about the unwillingness of statutory bodies and the appropriate industry regulating bodies to adopt services which are outside of their agreed operating procedures and processes. Questions therefore remain about the management and maintenance of such functions. An agreement as well as a strategy to deal with this will be required.
- iii. Paragraphs 4.27–4.28 reflect much of the material contained within PPS25 and are therefore unnecessary.
- iv. The concept of water neutrality should apply to all sites, not just those in areas of severe water stress.

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

- i. The Draft PPS should set overall stretch targets and milestones in percentage terms for the re-use of construction, domestic and non-domestic waste.
- ii. There should be a presumption in favour of these targets unless there are very exceptional circumstances as to why this cannot be achieved. It is recognised that to be consistent with national policy the Draft PPS should not specify technologies and delivery mechanisms but targets should be applied to all eco-town proposals and should explicitly require the re use of waste material as a fuel source for district wide or micro Combined Heat & Power (CHP) generation

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

- i. The requirement for an overall masterplan for an eco-town is welcomed and should be the same for all new large-scale developments.
- ii. Paragraph 4.31 ought to better set out the status of any masterplan for the proposal. In view of the significance which the Statement gives to the integrity of the masterplan, the PPS ought to be clear that every Eco-development should ideally be the subject of a specific Development Plan Document (DPD) which is drawn up initially as a masterplan but is tested to form a DPD and adopted by the local authority.
- iii. A defined process for open dialogue should be agreed between the promoters and the local planning authority.
- iv. If there are significant changes in the development and masterplanning processes then the sustainability and

environmental impact analyses should start again.

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

- i. This is a broad and complex issue and the principles of the proposal are supported. However, it is not clear as to how such functions will develop, be supported and function over time. Community capacity building will be an important feature in any new community and as with many of the issues raised above will need to be accessible and inclusive. As it stands it is unclear as to how this would work.
- ii. The relationship between the local governance structures in the eco-town and the relevant local authorities and parish councils needs to be clear. To date, there is still uncertainty about how governance arrangements would be implemented for Pennbury.

**Q5 *Do you have any comments on the Sustainability Appraisal (SA), the Habitats Regulations Assessment and Impact Assessment?***

- i. A critique of the Scott Wilson report on the Pennbury location has been produced by the Halcrow Group on behalf of the four local authorities: Leicestershire County Council, Leicester City Council, Harborough District Council and Oadby & Wigston Borough Council.
- ii. CASCET wish to endorse all of the comments and conclusions made in the Halcrow Group's report, particularly comments about the consideration of alternative locations to the Pennbury site:
  - a. The SA should have considered the option of "Sustainable Urban Extensions" as an alternative to the free-standing eco-town concept and appraised this alongside the do-nothing option. In the East Midlands there are a number of existing and potential SUEs which represent very realistic alternatives to Pennbury, including those put forward in evidence by the County Council to the Public Examination of the draft RSS, as well the Panel Report recommendation that the Burton-Leicester corridor was worthy of consideration.
  - b. The SA fails to provide any convincing explanation as to why Sustainable Urban Extensions (SUEs) have not been considered and appraised as viable alternatives to the eco-town concept. It also fails to contain any convincing evidence that Sustainable Urban Extensions could not be designed to achieve the same sustainability benefits as eco-towns, if the eco-towns criteria are applied to them. The SA for Pennbury should have evaluated the potential SUEs in the East Midlands as viable alternatives to Pennbury, particularly since the SA evaluates a number of alternatives elsewhere, including urban extensions (at Bicester).
  - c. The SA reveals that the East Midlands is the only English region in which there is no shortfall between the 2004 household projections and housing supply identified in the RSS (Figure 9). On this basis there is no pressing need to consider an eco-town at Pennbury, particularly since a partial review of the RSS is underway.
- iii. And
  - a. Many sections of the SA simply accept the assertions and claims made by the Co-op. This is unsatisfactory; the SA should have undertaken a critical appraisal of the Pennbury proposals to arrive at an independent view of the merits. The SA should not ascribe benefits to aspects of the proposals which are no more than aspirations at this stage, rather than detailed commitments.
  - b. There is no evidence in the Masterplan that objectives in relation to bio-diversity, climate change, flood risk, transport etc can or will actually be delivered. The UK Sustainable Development Strategy identifies 5 guiding

principles, including Using Sound Science Responsibly. This includes taking into account scientific uncertainty through the precautionary principle. The SA should be based on the precautionary principle and should not be influenced by unsubstantiated assertions for which there is no evidence.

- c. Para. 2.8.2 summarises some of the main weaknesses of the location, including difficulties in delivering public transport improvements within Leicester City, water resource issues, flood risk, loss of greenfield land, a high magnitude of change to the rural tranquil landscape and issues of community cohesion. These are all significant issues

## **Q6 Pennbury**

- i. Many concerns about the Pennbury proposals have been raised which on their own may not be sufficient to be showstoppers, but when taken together, they form a pattern which clearly shows the location is totally unworkable and unsustainable. This is the same conclusion reached by both Leicestershire County Council and the East Midlands Regional Assembly in 2007.
- ii. The proposals by the Co-operative Group (Co-op) for their Pennbury eco-town are opposed not only by a large number of people from the communities adjacent to the proposed location, but also by many people from across Leicestershire and in the city of Leicester. The opposition to the proposals is cross-party, and typified by the reactions of the four local MPs, whose constituents would be most affected.
- iii. Conservative MP Alan Duncan (Rutland & Melton which includes Houghton-on-the-Hill, Stoughton, Thurnby, Bushby and Stoneygate) and Conservative MP Edward Garnier QC MP (Harborough which includes Little Stretton, Great Stretton, Great Glen, Burton Overy, and Oadby), plus Labour MP Rt Hon Keith Vaz (Leicester East which includes Evington and Thurncourt wards) and Labour MP and former leader of Leicester City Council, Sir Peter Soulsby (Leicester South which includes Knighton, Castle and Stoneygate wards).
- iv. All have attended meetings and given speeches opposing the proposals and met with Ministers of Housing (Rt Hon Caroline Flint and her successor, Rt Hon Margaret Beckett). Indeed Sir Peter Soulsby objected strongly to the proposals as recently as during the Easter adjournment debate on 3 April 2009 including the following summary:

*"I have four broad and interlinked concerns: first, the development on this site will draw regeneration investment from the city of Leicester; secondly, the transport generated by it will have a totally unacceptable impact on the A6 corridor through my constituency and the A563 to the M1 motorway, and the suburban rat-runs through the constituency will be dreadful; thirdly, the tram, which has so seduced the city council, is a mirage, and many other aspects of the transportation proposals are unrealistic or unworkable; and fourthly, the employment proposals and projections put forward by the Co-op are vague and unrealistic.*

*"I want to take this opportunity before the Easter recess to urge the Government to kill off this misguided and extremely damaging proposal at this stage, rather than allowing it to proceed and to die, as I hope it eventually will, when it is subject to scrutiny and consideration in the regional and local planning processes."*

- v. He cited John Dean, now retired and the former President of the Royal Planning Institute and head of planning for Leicester City Council in the 1980s, who now resides in Oadby and has said recently:

*"The location of the proposal derives from the landownership of the scheme promoters and not from any rational planning process which has considered and debated alternatives."*

- vi. And finally, the Minister of Housing Rt Hon Margaret Beckett herself in a letter to Edward Garnier QC MP for Harborough in response to the concerns of one of his constituents said:

*"An eco-town is one option for growth, however alternative approaches of reaching housing targets will also be considered in the statutory development plan and this may include different options for growth such as Coalville."*

### 3 Responses to the Pennbury Proposal by Leicestershire County Council

The County Council has conducted detailed studies into the sustainability of the proposals by the Co-op for the 15,000 home Pennbury eco-town. It is not proposed to include them in this response, but instead to refer to them, as they cover many of the points raised by CASCET in the campaign to oppose the proposed location of Pennbury.

- i. Various Leicestershire County Council Cabinet reports: 8th April, 6th May, 6th June, 20th June, 16th December 2008, 10th February and 7th April 2009.
- ii. Report of the Leicestershire County Council Scrutiny Review Panel on the proposed development of an eco-town (February 2009)
- iii. Report of Transport Modelling Study
- iv. WhiteYoungGreen transport report – review of Arup transport report for Co-op
- v. Halcrow Strategic Assessment Report on the Co-op's proposals for Pennbury (December 2008)

There are some specific and key points in these documents which CASCET wish to emphasise.

#### **Lack of separation & distinctiveness from adjacent communities**

- i. The Co-operative Group's Masterplan Vision proposals for Pennbury will not satisfy the Government's own requirements for eco-town locations to be "separate and distinct" and "freestanding" from existing communities.
- ii. Part of the proposed new town will surround and physically link into the Stretton Hall, Great Glen, development including 67 homes on Chestnut Drive (LE2 4QX), 7 homes on Sycamore Close (LE2 4QU), 4 homes on The Spinney, 17 homes on Woodland Close (LE2 4QP) and 10 homes of The Avenue (LE2 4QR).
- iii. Part will surround the playing fields of the state-of-the-art Leicester Grammar School at Mount Farm, Great Glen, LE8 9FL recently visited by Her Majesty the Queen on 4th December 2008 to officially open the recently relocated site for the school.
- iv. Part comes within 120m of Heron Close off Bridgewater Drive, Great Glen LE8 9DX, and part comes within 150m of Manor High School in Oadby LE2 4FU.
- v. Under no circumstances can this level of proximity to established housing and schools be considered "separate and distinct" or "freestanding". Why did the Department not advise the promoter of this situation last October 2008?

#### **Lack of Employment Prospects**

The proposals provide insufficient scope for employment within the new settlement in order to minimise commuting. There are insufficient details of how the development will be phased to ensure that employment and transport links are in place before significant housing is provided. Suggestions contained in the Q&A documents are misguided in suggesting that construction jobs will form a major part of the early demand. Many major project construction workers are migratory and there is no guarantee that they will decide to live locally.

The traffic modelling work by the County Council demonstrates that only low-skilled jobs are likely based on the modal transport measures to discourage car use. A new town of the size of Pennbury needs a good mix of all skills to ensure a sustainable development, not a majority of one particular level of skills.

### **There is no case for more housing**

The need for further housing outside existing communities is now in question and the level of empty apartments etc. support this e.g. Market Harborough and Leicester. There has not been consideration of alternative locations including sites elsewhere in Leicestershire. There is a serious danger that a development of this sort will divert business and population from the City of Leicester where it can be better supported in a sustainable manner.

### **Loss of Farmland**

The proposal will result in the loss of precious farmland and green countryside space. Statements by the Co-op about improving accessibility of open space are disingenuous since if farm land is made more accessible it will be lost to many forms of agriculture, hence the negative impact will actually be considerably more than stated in their submission.

### **Loss of Amenities – Leicester Airport**

The proposal will result in the loss of Leicester Airport. Leicestershire Aero Club celebrate 100 years in existence this August 2009, having been formed just 6 days after Louis Bleriot's historic flight across the English Channel in 1909. The Co-op has failed to identify a suitable alternative location for the Aero Club to operate within Leicestershire. The Aero Club have some 12 years outstanding on their lease on the Co-op land.

Leicester Airport is the only licensed airport in Leicestershire and finding a new home in the county for its 500 Aero Club members, 30 staff and 80 home based aircraft, would be very difficult if the airfield was forced to close. The airfield is home to a thriving recreational community as well as a club run training facility for PPL, CPL, IR and FIC ratings.

In addition, there are premium leisure activities operating on the Co-op land adjacent to the airport – Stretton Karting and Paintballing. This successful business provides leisure activities for adults and children and could find it difficult to relocate with a consequent loss of jobs in an uncertain economic climate.

### **Transport Problems**

People rely on motor vehicles for freedom and flexibility in their lives, the idea that such a development could work (unless completely self contained, or unless clauses were written into the purchase-contracts preventing people from owning or using cars on the site) without the provision of sufficient car parking spaces per house and the alteration of the current road traffic network is quite frankly ludicrous and extremely naive and out of touch with the real world.

Major road building or a heavy investment in alternative transport will be required as the Co-op's plans for public transport include a bus rapid transit (BRT) route with a £5m feasibility study into a potential upgrade of this route through Oadby and along the A6 London Road into Leicester, for a tram way. Both ideas have received the backing of Leicester City Council who conditionally support the Pennbury proposals provided they include a tram route. The construction of additional bus capacity along London Road (currently a bus lane is only partially available on the inbound route, with no bus lanes on the outbound route) will cause massive disruption around the surrounding areas, so the idea of a "self contained and self sustaining" eco town is immediately squashed and countered.

A recent position statement produced on 2nd March 2009 for the Leicester City Council as Highway and Transport Authority explained that "improvements to the Leicester transport system ... will include a tram system to Leicester City Centre from the Eco Town and also from Wigston". The expected estimate for such a tram system is between £350m and £400m, and the City Council expect the Co-op to contribute the 25% local contribution (say £100m), with the rest procured under a private finance initiative with the Government. To date the Co-op have refused to commit to this level of

expenditure, but instead have agreed to the £5m feasibility study, and have indicated the £40m reserved for the BRT could be redirected into a tram.

The City Council's position statement concludes *“A tram is an essential part of the transport strategy”*.

This offer from the Co-op would leave the initial transport plans for the eco-town in severe disarray. All the experts in Transport, and the Campaign for Better Transport, are agreed that to ensure the modal shift of new residents to use public transport and the other forms of transport to the exclusion of private motor cars, means the public transport must be available from day 1. There is somewhat of a “chicken and egg” situation with the Co-op and City Council's differing priorities. A tram route would take a number of years to plan and execute even if the money could be agreed with Government, and Leicestershire County Council, as transport authority for the area outside the city boundary. Much of the money invested in a BRT could not be diverted to a tram route (i.e. rolling stock).

The transport problems and risks to their success have not been developed in full by the Co-op. A crude calculation shows how suspect is the thinking about this development. By the Co-op's own admission employment will contribute 14,000 jobs of which they hope 60% will live in Pennbury (8,400). From 15,000 homes this may be only about 50% of the potential working population. If only half the residue of workers need to travel into Leicester during the normal commuting period 7-9 am then there will be 4,200 commuters. With bus/tram capacity of around 60 each this will require 70 vehicles moving into Leicester in a two hour period. How will existing infrastructure accommodate an additional bus every two minutes even with a new tramway? This assumes nobody in Pennbury will use a car so is a minimum impact. This level of containment is

How will the developers **legally** prevent people living in Pennbury from owning and using cars? If this can be demonstrated then it should be applied in many other situations and not just eco-towns.

If the proposals for Pennbury are approved further thought must be given to the integration of sustainability measures to support existing communities e.g. combined measures to reduce single person car commuting. Failure to do this may create second class communities in the neighbouring communities of Oadby and Great Glen.

### **Lack of Environmental Planning**

CASCET are not aware that any detailed on-site surveys have been undertaken by the Co-op of the local ecology, therefore this plan may cause destruction of habitats for various wildlife species and ought to be investigated and the findings circulated to the current local tax paying population prior to decisions being made.

Desk-bound surveys using historical records of habitats and biodiversity were published by the Co-op in early 2008, but some of their conclusions are contradicted by ecology experts and amateurs in the vicinity with more recent empirical research.

### **Flooding and Water Availability**

The increasing development of housing in the UK in the past has created problems today with flooding - have any surveys been carried out to look at the effect this proposal will have on the residents of Great Glen, who currently suffer from a flooding problem from the River Sence, which runs through the proposed Pennbury location.

Urbanisation of the “Pennbury” site will cause reduced rainwater infiltration there and a consequent increased potential flood hazard along the four drainage networks that emanate from the proposed development site – River Sence, and the Washbrook, Evington and Houghton-Thurnby Brooks.

### **Financial Viability**

The recently released Price Waterhouse Coopers viability assessment of Pennbury has a number of questionable

## Views on the “Pennbury” (Stoughton) Location

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assumptions about financing and market absorption, and there are many concerns around costs which have not been included, such as:

- i. 25% contribution towards £400m tram system – some £100m
- ii. Cost of land reclamation due to contamination at the airport – £5m
- iii. Cost of off-site infrastructure provision e.g. Kibworth by-pass - £10m
- iv. Social & Community Costs incl. retail - £20m
- v. Additional s106 contributions to under-estimated education costs - £25m
- vi. The PWC report for the Pennbury location indicated a range of -£15m to £150m being the likely deficit/profit on a £2.6bn to £3bn project cost. The additional costs itemised above show that even for this selection of costs that were excluded from the calculations, the viability of the Co-op's proposals are far from certain, and that considerable public subsidy could be required.

## 4 References

- i “Eco-towns: Living a greener future” – a consultation paper published by Department for Communities & Local Government in April 2008.
- ii House of Commons Adjournment Debate 3 April 2009 – Hansard - <http://www.publications.parliament.uk/pa/cm200809cmhansrd/cm090402/debtext/90402-0008.htm#09040243000504>
- iii Letter dated 6 March 2009 from Rt Hon Margaret Beckett, Minister of Housing, to Edward Garnier QC MP.
- iv Eco Town for Leicestershire: Leicester City Council’s Position Statement as Highway and Transport Authority 2nd March 2009 produced by Garry Scott

# THREE MILLION TONNES OF CONCRETE.

# ONE CHANCE TO SAY NO.

The Campaign Against the Stoughton Co-Op Eco Town (CASCET) exists to stop the destruction of our rural South-East Leicestershire countryside. The Pennbury Eco Town initiative has no environmental benefits, is not subject to local consultation and only serves to increase the profits of The Co-Operative Group. The impact of a development the size of Hinckley will be disastrous for all in the surrounding areas.

For more information about CASCET and how you can help us stop the Stoughton Eco Town, please contact your local councillor or visit [www.stopthecoopecotown.org](http://www.stopthecoopecotown.org)

Once our countryside is gone, there is no going back. We only have one chance to say no.



## CASCET

CAMPAIGN AGAINST THE  
STOUGHTON CO-OP ECO TOWN