

Executive

Proposed Eco-Town at Weston Otmoor - Update

17 November 2008

Report of the Head of Planning and Affordable Housing Policy

PURPOSE OF REPORT

To update the Executive and present further information on:

- (i) Government publication Draft of the Planning Policy Statement on Eco Towns and the Sustainability Appraisal of the Eco Towns Programme, and:
- (ii) the Council's involvement in the continuing assessment of the Weston Otmoor Eco-Town proposal.

This report is public

Recommendations

The Executive is recommended:

- (1) To note the contents of the Report and the supporting Appendices.

Executive Summary

Overall Process & Timetable

- 1.1 In late October, DCLG wrote to the Council to provide an update on the assessment process timetable (with particular regard to proposed section 106 processes and requirements for the Weston Otmoor proposal). A copy of this letter is attached at Appendix 1.
- 1.2 On 4 November, the Department for Communities and Local Government (DCLG) announced the commencement of the second phase of public consultation in relation to its Eco-Town Programme; following its initial consultation phase and the publication of 'Eco-Towns: Living a Greener Future' earlier this year. The second phase of consultation will continue until February 2009 and is linked to the publication of the draft Planning Policy Statement (PPS) and draft Sustainability Appraisal (SA) of the Eco Towns Programme and locations. Further details in relation to this process are set out in the DCLG letter attached at Appendix 2. Copies of the draft documents have been made available in the Members' Room.

- 1.3 The consultation documents published on 4 November were also accompanied by a statement from the Minister for Housing which is attached at Appendix 3. This statement introduces the draft PPS and SA and provides an indication of the criteria that shortlisted sites will be required to meet. The statement reveals the initial general conclusion of the SA process that grades shortlisted sites from 'A' – 'generally suitable' through 'B' – 'potentially suitable subject to meeting planning and design objectives' to 'C' – 'only suitable with substantial and exceptional innovation'. Of the 12 sites considered within the SA process, Weston Otmoor is the only site graded as 'C', the lowest category. While it is considered that this classification bears out previously expressed local authority (Cherwell and County Council) views on the merits of the Weston Otmoor proposal, it should not be taken as an indication that the site will not be progressed. This is because the proposal is likely to be represented by the promoter in an attempt to address the problems identified.
- 1.4 The SA includes appraisal of a new alternative 'Eco development' at North West Bicester put forward by the Council. As part of the Council's involvement in the overall assessment process there has been considerable discussion of how the SA deals with alternatives such as urban extensions. When the then Housing Minister (Caroline Flint) visited Bicester on 31 July she put a direct question to the Council representatives, to the effect that if local people did not like the Weston Otmoor proposal, then what was their alternative? At the time the question was left hanging. However, the answer – embodied in the Council's approach to date – is that the District should not have to accommodate housing numbers beyond the SE Plan requirements as originally submitted. Further, decisions about the location of development need to be carefully made through the Local Development Framework (LDF). The local view on new 'eco development' is that high standards should be achieved in properly planned LDF proposals, not in an imposed new town that would blight existing towns.
- 1.5 Following the Minister's question, the Leader of the Council wrote to the Minister suggesting that the SA should appraise a specific potential alternative 'eco development' in the form of an urban extension at NW Bicester. Details and copies of correspondence are at Appendix 5. The relevance of the floating of this alternative within the SA is explained in more detail below (paragraphs 1.11 – 1.15).
- 1.6 The NW Bicester site has been graded by Government as 'B'. From the Council's perspective, this represents a welcome recognition of our view that a more sustainable solution could be achieved through an urban extension. The Minister's letter at Appendix 5 is significant in that it confirms a subtle, but very important, change in the Government's position. This is because it gives an indication that 'eco development' numbers will count towards SE Plan requirements. The Council should now seek to consolidate that position as far as possible. Additionally, the Minister offers Government support, and specifically 'Growth Point Funding', for 'eco development' at Bicester. These points can be linked to the potential for planning gains for Bicester (e.g. M40 junction 9 and East/West Rail improvements). All these factors add new dimensions to the eco-town programme issues in Cherwell. They also present more challenges and choices in respect of the LDF.
- 1.7 In making its full, considered, response to the new stage in Government consultation the Council will need to decide how far it wishes to go in

'promoting' an alternative NW Bicester 'eco development'. This decision should be influenced by the degree of commitment by Government to local decisions on levels and locations of development.

- 1.8 A verbal report on an initial assessment of the new CLG documents will be given at the meeting, but due to their recent publication, a full report on content and their implications will be made to the 2nd February meeting of the Executive. This will allow the Council to provide a formal response to the consultation.
- 1.9 As part of the ongoing assessment of the Weston Otmoor proposal, a number of streams of work are still in progress. The paragraphs below provide a summary of these projects. A summary of the findings of these reports (where available) have been placed in the Members' Room. It should be noted that local authority involvement in the eco-towns programme and interface with DCLG is through two DCLG-convened groups; 'Technical' (officers/consultants) and 'Governance' (Members/Chief Executives).

Socio-Economic Impacts

- 1.10 As the Executive will recall, a study was commissioned to assess the potential for impacts upon Bicester and the surrounding area, including Kidlington and nearby rural areas. The study is being jointly led by DCLG, SEEDA and the Councils; Bicester Vision and the Oxfordshire Economic Partnership are also members of the project steering group. The consultants presented their emerging findings to the Governance Group in October and a draft final report has recently been completed by the consultant. Officers are currently considering the content and conclusions of this report and a verbal report will be given to the Executive. The conclusion emerging is that although there is some scope for the Eco-Town to help 'grow' the local economy and offer more housing, there would be significant disbenefits to Bicester's growth and development as it would inevitably have to compete with a strong close neighbour. A copy of the draft final report is available in the Members' Room and a summary is attached as Appendix 6.

Sustainability Appraisal

- 1.11 The Sustainability Appraisal (SA) of the proposed Eco-Town locations is a key component of the overall assessment process in accordance with the requirements of national legislation. DCLG has appointed consultants to undertake this element of the assessment work and officers have previously met with the consultant undertaking this work to provide baseline information and to discuss the 'alternatives' to be assessed as part of the SA process. As part of this discussion, officers were informed that while alternative Eco-Town locations (such as Shipton on Cherwell) and reuse of previously developed land (PDL) would be considered, the appraisal of alternative urban extensions would not.
- 1.12 The Council has made it clear that if the SA process is to be considered a robust and thorough process, it should consider all appropriate alternatives. This assessment should be both generic (i.e.; the general concept of new settlements versus urban extensions) and location specific (i.e.; the alternative of specific, realistic, urban extension options in the vicinity of the various eco-town proposals).

- 1.13 Subsequent to these discussions, the Council wrote to the Housing Minister to set out its suggested approach to the SA process that included the testing of all appropriate alternatives, including the assessment of potential urban extensions. The Council has confirmed that this approach has been made without prejudice to its stated position of strong opposition to the Weston Otmoor proposal and the progression of proposals for major growth outside of the development plan process.
- 1.14 As explained above, within the SA, as an alternative to the Weston Otmoor eco-town proposal, consideration has been given to an 'eco-development' on the edge of Bicester, directly abutting the town. As part of its Core Strategy consultation, 'Options for Growth', the Council has identified two adjacent sites (land at Howes Lane and Lords Lane) as "reasonable alternative strategic sites" which it believes could yield at least 2,600 homes. The sites, which could be expanded and developed together to form the 'eco-development' are on the north-west side of the town and are bounded by the B4030 to the south and the B4100 to the north-west. The farm land here is relatively unconstrained and the nearest settlement is the village of Bucknell 1.9 km away to the north-west. This area could, theoretically, provide for an 'eco-community' of up to 5,000 homes including related employment and community infrastructure. Some work has already been carried out by the Council to explore the constraints on this site, and from this there is no reason to believe that an 'eco-community' of this scale could not be achieved. A plan of the alternative site for assessment within the SA is included at Appendix 4.
- 1.15 In providing the Minister with an alternative proposal for testing, the Council has caveated its suggestion by saying that whilst it is clear that a NW Bicester 'eco-development' would be preferable to the development of Weston Otmoor eco-town, the Council remains very concerned that Government is making an assumption that additional housing growth should be located in Cherwell District without proper consideration through the regional planning process. All comments in the Council's response are therefore without prejudice to our overall view that any strategic planning decision about additional growth locations should be made via the normal regional/development plan process.

An extract from the Council's website that provides further information in relation to the alternative location put forward for testing within the SA process is included at Appendix 5. Associated correspondence between the Council and Housing Ministers is also at Appendix 5.

Water Cycle Strategy

- 1.16 The Council has led on the commissioning of this project on behalf of the Technical Group. A draft report was received from the consultant in late-September and this was reported to the Eco-Town Technical Group on 26 September. The report provides a first stage in the assessment of water related issues and has been prepared in accordance with the requirements of the Eco-Towns Water Cycle Worksheet, compiled by DCLG in association with the Environment Agency and the Town and Country Planning Association to provide guidance on sustainable water management. The report has assessed the following key areas as part of the study.

Flood Risk;
Sustainable Drainage;
Water Efficiency;

Water Quality; and
Water Infrastructure.

A copy of this report is available in the Members' Room.

Landscape and Visual Assessment

- 1.17 The Council has led on the commissioning of this project on behalf of the Technical Group. The report considers the form of the existing landscape, its characteristics and assesses the likely significance of future impacts. The consultant completed a draft report in late September and this has been circulated to members of the Technical Group for comment. Initial comments on the draft report were fed back to the consultant in mid-October; a revised draft of the report has since been received and further comments have also been forwarded to the consultant. A copy of this report is available in the Members' Room.

Ecology

- 1.18 The Council is working with Oxfordshire County Council in the progression of a study to assess the likely impacts of the proposal on sites of ecological value; most notably, the SSSIs that lie on the south western boundary of the site. A consultant has recently been appointed and although a formal programme for the delivery of the project has not been confirmed a final report is expected by late November.

Other Assessment Studies

- 1.19 Other assessment studies are still in progress; particularly important amongst these are the DCLG studies on the viability and deliverability of the Weston Otmoor proposal and continuing joint work with the promoter and the County Council on transport modelling.

Legal Issues

- 1.20 As the Executive is aware, the Eco-Town process has attracted considerable comment and concern and the Council is aware that a number of affected parties have considered the potential for legal challenge. Throughout this process, the Council has maintained a watching brief on the issue and has sought initial views on the potential for legal challenge which were reported to the 7 July meeting.
- 1.21 In the intervening period, a number of bodies have sought legal opinion on the validity of the Eco-Town process; these have included, the Local Government Association at national level and at a local level, the Weston Front action group has also received Counsel's opinion. Outside the District, BARD, the community group opposing the proposed Middle Quinton Eco-Town has been granted permission to proceed with a Judicial Review.

Background Information

- 2.1 The Executive has previously considered reports on 18 February, 7 April and 7 July in relation to the emerging Eco-Towns concept and the shortlisting of

the Weston Otmoor proposal by DCLG. The Council has stated its position of opposition to the proposals in so far as they affect Cherwell and has submitted representations to this effect to DCLG.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Executive is invited to consider the supporting material accompanying this report which provides an update on the ongoing assessment of the Weston Otmoor proposal. The Executive is invited to note this report, but may also choose to add further views as it thinks appropriate.

The following options have been identified. The approach in the recommendations is believed to be the best way forward.

Option One To note the contents of the report.

Option Two To add further views as the Executive considers appropriate. Any modifications to be undertaken by the Strategic Director – Planning, Housing and Economy with the endorsement of the Portfolio Holder for Planning and Housing.

Consultations

- 4.1 DCLG has published a number of documents for consultation with interested parties as part of the assessment process; the site promoter, Parkridge has also linked a public consultation exercise to the promotion of its proposal. In addition to the consultation processes being undertaken by DCLG, the Council has sought to proactively involve interested local groups and has met with a number of representatives to explain the nature of the proposal and its associated assessment process.

Implications

Financial: The Council's response to the Eco-Towns appraisal process is currently being accommodated within existing staff and financial resources at this time. As part of the appraisal process, the Council has also commissioned further consultancy advice in relation to the studies detailed within this report. It is intended that the Council will submit a claim for the reimbursement of staff and consultancy costs to DCLG in the near future; any future resource/cost implications arising from this would be the subject of further reports.

Comments checked by Eric Meadows, Service Accountant 01295 221552.

Legal:

There are no significant legal issues associated with the Council's ongoing involvement in the Eco-Towns appraisal process. However, there would be significant legal costs associated with the pursuit of a legal challenge to the Government's emerging policy if a decision is taken to challenge this process.

Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688.

Risk Management:

No issues arising from this report.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566.

Efficiency Savings

None arising from this report.

Comments checked by Eric Meadows, Service Accountant 01295 221552.

Wards Affected

Kirtlington directly, but impact on whole District and sub region.

Corporate Plan Themes

Cherwell: A District of Opportunity, A Cleaner, Greener Cherwell and A Safe and Healthy Cherwell.

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	Letter from DCLG to CDC dated 20 October 2008.
Appendix 2	Letter from DCLG to local authorities dated 4 November 2008.
Appendix 3	Ministerial Statement issued on 4 November 2008.
Appendix 4	Location Plan Potential - North West Bicester 'Eco development'.
Appendix 5	Extract from the Council website describing potential NW Bicester Eco Community concept and associated correspondence.
Appendix 6	Summary of Draft Assessment Report on Socio-Economic Impacts (ARUP Consultancy)
Background Papers	
1. Executive 18 February 2008 – Eco-Towns 2. Executive 7 April 2008 - Government Consultation – “Eco-Towns (Living a Greener Future)” 3. Executive 7 July 2008 - Proposed Eco-Town At Weston Otmoor - DCLG Consultation: “Eco-Towns (Living a Greener Future)”	
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