

DRAFT

JOINT REPORT BY CHERWELL DISTRICT COUNCIL AND OXFORDSHIRE COUNTY COUNCIL

A) RESPONSE TO GOVERNMENT CONSULTATION ON DRAFT PLANNING POLICY STATEMENT AND SUSTAINABILITY APPRAISAL ON ECO-TOWNS

B) PROGRESS REPORT ON ECO-TOWN PROPOSALS AT WESTON OTMOOR

Introduction

1. This report has been prepared jointly by Cherwell District Council and Oxfordshire County Council in response to the consultation by The Department for Communities and Local Government (CLG) on the draft Eco- towns Planning Policy Statement (PPS) and accompanying Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA).
2. In summary, the views of the two councils are as follows:-

The Planning Policy Statement

- the Councils are not convinced that the Government has put forward an effective planning and delivery mechanism for a national programme of new settlement construction.
- There is a lack of clarity of the relationship between the plan-led system and the imposition of eco-towns as proposed by this PPS. In particular, it is not clear whether eco-towns are part of RSS requirements or additional to them.
- It is not clear why settlements need to be “free standing” or why 5,000 homes represents a minimum to achieve a critical mass for an eco-town.
- Much more advice is needed on how eco-towns are to be delivered, particularly in terms of how the higher than normal standard of development is to be funded.

The eco-town proposal at Weston Otmoor

On the information available the Councils would object strongly to the inclusion of the “Weston Otmoor” eco-town proposal in the final list of eco-towns locations in particular because:

- It is a green field site in open countryside.

- The landscape impact of an eco-town in this location would be considerable. It would constitute a very urban development form and density which is completely out of character with the scale and density of other areas of settlement in the area; and would degrade the landscape character of the site.
 - The location does not sit well with the existing settlement hierarchy. It would have a population a little larger than Bicester is today and this would give rise to a number of issues and problems and displace growth which would otherwise reasonably be expected to be directed to Bicester and Kidlington.
 - The presence of an eco-town in this location is likely to lead to a range of social and economic problems in the area as Weston Otmoor competes with surrounding towns and villages (particularly Bicester and Kidlington) for investment.
 - There are a number of significant concerns over the transportation proposals for the eco-town. These include concerns over the impact on the strategic and local road network, the role and functioning of the A34, and the desirability, complexity and workability of the demand management measures.
 - There are significant questions and concerns over the infrastructure requirements, in particular the rail investment, as there is no certainty the rail proposals are achievable or acceptable to the rail industry.
 - There are also significant questions over the deliverability and viability of the scheme.
3. Underpinning many of these issues is a major concern from the Councils over the lack of independent critical assessment on the part of Government and public agencies over many aspects of the proposal. At the time of writing this report, there was no assessment by government or its agencies of the rail, transportation, financial viability and deliverability of the proposals. The Councils would strongly urge the government to ensure that a proper assessment is carried out and is made public at the earliest opportunity.
4. The report also comments on the various assessments of the proposed Weston Otmoor eco-town. Additional information and comment is contained in the attached annexes. Some of this is work in progress and will be added to prior to the submission of the joint response by the Government's March deadline:
- Appendix A. Responses to the questions in the draft PPS
 - Appendix B. Extract from joint report by Cherwell District Council and Oxfordshire County Council. June 2008
 - Appendix C. Eco-towns Assessment Process – Viability and Deliverability. Letter from Cherwell DC to CLG dated 9 December 2008
 - Appendix D. Economic and Social Impacts of a potential Eco Town at Weston Otmoor
 - Appendix E. Transport Technical Annex. Oxfordshire County Council February 2009
 - Appendix F. Environmental Assessments

A) Response to the Government Consultation on Draft Planning Policy Statement and Sustainability Appraisal on Eco –towns

The Planning Policy Statement.

5. Responses to the specific questions in the PPS are in Appendix A. When the two councils commented on the first round of consultation on the eco town programme they highlighted concerns about the process (Appendix B), and in particular that the proposed PPS and how eco –town proposals may be handled through the planning process would effectively by-pass the development plan system. Also, the Councils were not convinced that the Government had put forward an effective planning and delivery mechanism for a national programme of new settlement construction.
6. The Councils' concerns about the process remain. The Government says that it is committed to the plan led process; however, the PPS is set to identify locations with potential for eco –towns outside the development plan process, and the PPS and list of locations emerging from the Eco-towns programme will be a material consideration in the determination of any planning application.
7. The two Councils support measures to ensure that new development is built to high “eco“ standards, with low carbon impacts and well adapted to a changing climate. While generally the standards proposed in the draft PPS may be supported there is no reason why the same principles and standards should not be applied to all new development. Indeed, this appears to be the direction of overall policy guidance, related standards for new homes and building regulations.
8. The PPS emphasises the freestanding nature and minimum size of the proposals, although it is debatable whether the standards which are desired can only be delivered through a free standing new settlement of at least 5,000 dwellings. The draft PPS does not cite evidence that 5,000 new homes is the minimum to provide “critical mass”. It seems that many, if not all, of the perceived benefits could be delivered through alternative development patterns as appears to be recognised by CLG in the types of proposal that are shortlisted, including the addition of NW Bicester. There is a need to be clear in the PPS about the types of eco-development that might be appropriate and in particular what is meant by new settlements that are “separate and distinct but well linked to higher order centres” (paragraph 2.1)
9. There remains a lack of clarity around whether the houses proposed in eco-towns will be part of or additional to existing regional housing requirements – particularly if regional spatial strategies (RSS) refer to minimum housing numbers; and whether eco-towns will need to meet higher local affordable housing targets than those already contained or proposed in RSSs/LDFs.
10. The method of, and tools for, delivery of schemes is a matter that is not dealt with sufficiently or clearly enough in the PPS. Given the policy approach, which is to require a higher than normal standard of development and (by implication) to achieve this largely on the basis of greater land value capture through

planning agreements, this is a crucial omission. General deliverability of schemes with significant infrastructure requirements is also a major issue, particularly given the downturn in the economy and the housing market. The draft PSS says that the Government will decide which of the schemes related to locations in the PPS will get backing or financial support from Government through funding of associated infrastructure or partner public bodies. However, this is an area that the Government needs to give specific guidance on. Our serious concerns about this have been detailed in a letter to CLG dated 9 December 2008 (Appendix C)

The Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)

11. Specific comments on the SA /HRA are in Appendix A, Questions 5 and 6. The councils are concerned about the consistency and robustness of the SA process. For Weston Otmoor two alternative locations have been identified including a possible urban extension at Bicester and Shipton Quarry (one of the original bids), whereas for many of the other short listed locations no alternatives have been assessed. It is not clear how alternatives for the shortlisted locations were selected and why it has been accepted in the SA process that some locations are not assessed against alternatives.

B) Progress report on eco town proposal at Weston Otmoor

12. When they commented on the first round of consultation on the eco town process the two councils highlighted a number of concerns about the Weston Otmoor proposal (Appendix B) covering in particular the policy context; how Weston Otmoor might impact on Bicester; transport implications; viability and deliverability and “eco-credentials”.
13. Since the report was prepared in June last year, in addition to the SA and HRA of Weston Otmoor and other sites in Cherwell various assessments have been or are being undertaken to assess the Weston Otmoor proposal. These include a transport assessment, an assessment of the economic and social impacts on Bicester, Kidlington and other settlements, a financial and deliverability assessment and assessments of a range of environmental issues. The scheme itself has also evolved. Parkridge has revised its masterplan and submitted a Final Bid Presentation to CLG in August 2008.
14. The assessments are either completed or nearing completion and this report comments on the findings of the assessments that the local authorities are aware of and reviews the concerns that were expressed in the local authorities’ joint submission in June 2008.

Sustainability appraisal

15. Specific comments on the SA and HRA for the Weston Otmoor proposal and alternative sites that were assessed in Cherwell are covered under question 6 in Appendix A. 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 re-presented by the promoter in an attempt to address the problems identified. However the councils' view is that the results of the SA raise such fundamental planning issues that the Weston Otmoor proposal should have been excluded from the draft PPS list of sites on that basis alone.

Impact on Bicester and other settlements

16. Arup were commissioned (by SEEDA at the instigation of the local authorities and funded by CLG) to assess the potential economic and social impacts of the Weston Otmoor proposal on Bicester and other settlements, including the impact on the deliverability of the current planning and economic development strategy. The conclusions of the Arup report are in Appendix D.
17. The conclusions support the local authorities' original concerns about the potential impact of the Weston Otmoor proposal on Bicester. The conclusions state that *"Although eco-credentials may generate some additional demand, existing activity and planned growth will need to be displaced to the Eco Town, displacing existing and planned future growth in Bicester and Kidlington."* and that *"Bicester will fail to realise its vision and may be less sustainable as economic activities decline."* It is also significant that Arup conclude that *"It is not clear that Weston Otmoor is the only or best option for meeting additional growth objectives in this part of Oxfordshire."*
18. In a press release the South East Regional Development Agency's Director of Strategy commented that *"This study provides a comprehensive and independent assessment of the proposed Weston Otmoor Eco Town. It shows that Weston Otmoor could pose a range of possible threats to the economic development of Bicester. It also casts doubt on the deliverability of the proposed economic development at the Eco Town itself. We remain sceptical about whether the Weston Otmoor Eco Town proposal is the right solution but will continue to work with Oxfordshire and Cherwell to find appropriate ways to achieve the future success of Bicester and the whole Oxfordshire Diamond for Investment and Growth, while remaining committed to securing low carbon development"*.
19. Parkridge have suggested that retail and other commercial floorspace at Weston Otmoor can be limited in overall amount and type so that Bicester is not threatened, and that the timing and delivery of employment can be aligned to that for Bicester to ensure that Bicester benefits first. However, the Arup report says (in relation to the timing of the proposed Bicester business park at paragraph 7.2.12) *"However, the mechanism for achieving this is legally uncertain. Among other factors for example ownerships differ and it is not clear to us that a developer could be reasonably held to ransom for development of a site in a neighbouring town."*

20. It is also notable that Arup conclude employment will lag behind housing. Patterns of commuting will be established which it will be difficult to rectify later. The developers have accepted that the high development rate (building all 15,000 houses in 10 years) which underpins the transport assessment is very ambitious. The developers have suggested what they see as a more realistic lower rate (building over 20 years), although it still appears ambitious, particularly in the current economic climate. The Arup report supports our previously expressed concern that the result could be a significant mismatch between housing and job growth, with major implications for commuting to and from the site and that more land and jobs than proposed could be in warehousing/distribution.

Transport implications

21. A variety of work has been undertaken so that a strategic understanding of the impact of the proposals for Weston Otmoor can be developed. This has included a transport assessment by Parkridge based on modelling work using the Central Oxfordshire Transport Model. This is a new transport model, built to fulfil the latest (WebTAG) guidance from Government on procedures to assess major transport schemes and the impacts of major development on the highway network. Oxfordshire County Council's term consultants Halcrow have undertaken the modelling work at the behest of the Department for Communities and Local Government (CLG). Their work has been funded by the proposers of the scheme, Parkridge.
22. Though there has been considerable discussion about the basis of, and assumptions for, this transport modelling work, it must be stressed that it has replicated the Parkridge scheme and includes Parkridge's assumptions. The promoter's Transport Assessment considers the model outputs amongst other issues and interprets them entirely from the promoter's perspective. The strategic Local Transport and Highway Authority (Oxfordshire County Council) analysis of the various streams of transport work for Weston Otmoor as they relate to transport, is at Appendix E.
23. It had originally been understood that Government departments and agencies, particularly Department for Transport, would be preparing an overall assessment to complement this local work – and that this would be shared with the stakeholders involved in the assessment work. To date this has not been forthcoming. This means that there is no overall published report from a national government perspective on the transport proposals. This is a matter of serious concern and raises process and technical questions about how the final decisions on scheme are to be taken and the degree of local involvement and access to information.
24. Throughout the separate Sections of Appendix E, an objective analysis of the transport proposals has been undertaken. Critical to this analysis has been an understanding of the broad policy context set out in national, regional and local policy documents, against which the transport proposals have been tested. Our overall conclusions are that:

- a) The transport proposals fall short of the expectations set out in policy in a number of important respects. Notably, but not exclusively, the transport proposals look set to create a development which could not stand the test of time in a range of respects; the transport system could not be secured in perpetuity and without considerable risk to the public purse; and the proposal would fail to support existing communities, be a place where people want to live, and where the transport solutions are sustainable, socially inclusive and pleasant to use.
- b) The eco-town proposals have the potential to undermine the strategic and local functions of the A34. As a result, there are regular delays creating serious knock-on effects on routes throughout Oxford and the county. These problems include diversion of traffic onto unsuitable minor routes, spreading of the traffic peak throughout the day, impact on the economy due to delay and impact on the reliability of public transport. All these aspects run contrary to the policies in respect of the A34 in the Oxfordshire context, which seek to tackle congestion, improve journey reliability and promote public transport alternatives such as East-West rail.
- c) The M40 Junction 9 improvement put forward by Parkridge has been shown from the COTM modelling to 'attract' traffic, but whether this is undesirable is open to interpretation. It provides some relief to the B430 by diverting trips onto the A34 which is perhaps a good thing, but it also attracts longer distance trips across the M40, now that the perceived 'barrier' of the M40 Junction 9 has gone; this is a less desirable outcome. In so far as Junction 10 is concerned, the COTM modelling indicates that, from the proposed Eco-town, less than 100 PCUs under all tests were forecast to route via M40 Junction 10. Although any increase in traffic adds to congestion, with these relatively low numbers it is hard to make a strong case that the proposed Eco-town alone would push Junction 10 over capacity.
- d) Irrespective of the specifics of the transport offer for Weston Otmoor, it is considered that the proposed eco-town is in the wrong place. The Parkridge Vehicle Management System report says: "It would normally be expected that, with a target population of 35,000 and 12,000 new jobs, vehicular movements would be dramatically increased and have potential to add to congestion on the existing local road network." Parkridge therefore clearly understand that the location is a challenge, hence the introduction of their demand management system. The evident need to rely on complex and ambitious demand management measures is an inevitable, but unsatisfactory, response to this. The proposals introduce punitive, extremely high risk and potentially unworkable transport solutions to overcome the problems caused by the location.
- e) These solutions include one access point potentially restricting entry and exit to 1,500 passenger car units (PCUs) in each direction and the imposition of a toll. Considerable congestion on the A34/M40 could mean that the eco-town would be unable to function, with vehicles neither being able to leave nor enter the eco town. Likewise, an incident on the rail

network would cause very serious problems given the high passenger numbers it is anticipated it would carry. The implications are very significant, not least in terms of road safety and impact on economic activity.

- f) There are serious questions about the desirability of locating development where residents could be charged over £7,000 a year to travel to and from work by car in the peak hours. It is doubtful whether legally the toll could be enforced on a private road network and whether it could remain in perpetuity given the possibility of the highways becoming public. (See Appendix E) The likelihood of the town's management company wishing to retain a tolling system is also doubtful. In addition, the toll raises serious equality and social inclusion issues.
- g) There is no agreement over the rate at which Parkridge anticipate completing the development, the relationship between the rate of employment and housing provision, or the level of services and facilities that would be provided within the town. This generates considerable risks around delivery of the major transport infrastructure package, the level of self containment, the level of traffic likely to be generated by the eco-town, as well the impact of the proposed eco town on Bicester.
- h) The strategic level assessment undertaken by the Central Oxfordshire Traffic Model produces trip suppression and queues, even with the range of high risk inputs to the model in place, (such as the 1,500 vehicle limit on leaving the eco town, where users have perfect knowledge and the public transport system operates to timetable). As no "Plan B" has been provided in the event of the demand management system failing or any other unexpected incident, we are not convinced that the transport issues can be resolved satisfactorily.
- i) In terms of delivering, managing and enforcing the transport package, a Section 106 Agreement is not considered a suitable mechanism for controlling a proposal of the size and scale of Weston Otmoor. No real progress has been made on this fundamental issue since the consideration of previous reports to Cabinet.
- j) We are not convinced that eco-credentials have been a driving force in the design and operation of the transport proposals. Whilst there is a good public transport offer, it appears that this is designed on the premise of encouraging trips as opposed to reducing the need to travel and reducing the environmental footprint of the town. There is no evidence around the planned number of car parking spaces per household. Whilst there is undoubtedly a strong drive to provide public transport at the eco-town, equally there is no active discouragement of those wishing to own a car which in itself likely to create pressure for car use.
- k) The rail proposals, which are fundamental to the scheme, have not been validated by Network Rail, Department for Transport and the Office of the Rail Regulator. Without their support, there is no certainty the proposed

rail proposals are achievable or acceptable to the rail industry. Furthermore, Parkridge have no record of delivery in this area. We remain concerned that uncertainty surrounding the eco-town should not be allowed to delay delivery of the well advanced East West Rail/Chiltern Railways projects. It is our view that it would be inappropriate for the Government to shortlist Weston Otmoor in the PPS without knowing if the critical rail infrastructure and services are deliverable and workable in perpetuity. A detailed Local Highway/Transport Authority assessment of the rail elements of the proposal has been submitted to Government and has been updated during the Assessment process (See Joint Report, June 2008 and Appendix E. Section 8) and remains valid. However it is extremely concerning that there is still no official national view from the expert agencies and Government on this matter. This seriously hinders the overall assessment process and limits the ability of the councils to contribute effectively. It also means that the promoter's transport assessment and accompanying rail and tram reports are in danger of being taken as "verified".

Affordable Housing

25. The developer's current proposal is for at least 30% affordable dwellings (below the minimum target of at least 40% for Central Oxfordshire in the draft SE Plan). Detailed comments on need and provision/ delivery issues (should the eco town go ahead) have been submitted to CLG by the Oxfordshire Housing Partnership. It is important to note that the Arup study shows that, though Weston Otmoor is seen by Government as meeting housing need in an area of high demand / housing market stress (Oxford), affordability levels in the Bicester area are already some of the best in SE England. This further points to the relevance of the existing regional planning strategy which allows for a combination of housing growth at Bicester and Oxford

Finance and deliverability.

26. There is no agreement over the rate at which Parkridge anticipate completing the development (documents refer to 10 and 20 years). A development of 15,000 houses over 20 years (750 dwellings per annum on one site) is very ambitious and has not previously been achieved in Oxfordshire. The build period has significant implications for the viability of the development. This is of special concern given the worsening recession since we last reported.
27. A key challenge for the proponents of the eco –town is the need to ensure infrastructure, employment and affordable housing are delivered. The Weston Otmoor proposals leave a large number of unanswered questions about the deliverability, practicality, timing, management and enforcement of the scheme, and also its adequacy in terms of providing for supporting services and facilities.
28. Financial and viability work for the eco towns programme is being undertaken by Price Waterhouse Coopers (PWC) and by the Advisory Team for Large Application Sites (ATLAS) for CLG. The outcome from this work is expected soon and if it is available in time our comments on it will be incorporated in the

final report prior to submission to CLG. It is very disappointing that this important work is being introduced so late in the assessment process. This hinders the ability of the local authorities and other agencies to fully understand and contribute to the overall assessment (particularly in providing and verifying assumptions about the costs of the development and judging implications for delivery). Government has not played its part in allowing full access to assessment work as had been indicated at the outset of the process.

Environmental Assessments

29. As part of the assessment process of the Weston Otmoor eco-town, Cherwell District Council commissioned three studies: a water cycle study; a landscape and visual impact assessment; and an ecological assessment. The conclusions of the first two studies are summarised in Appendix F.
30. The water cycle and landscape studies, in particular, highlight issues around water quality and potential impacts on three SSSIs, one of which (the Wendlebury and Mansmoor Close SSSI) lies partly within the footprint of the eco-town. All of these SSSIs are hydrologically dependent sites and a thorough ecological assessment of potential impacts of the eco-town is recommended. This is known to be a matter of serious concern to national environmental agencies. However, as with other aspects of national assessment work there still appears to be no published official report on this. This has meant that local level follow up work has been necessary. The landscape study concluded that the proposed Weston Otmoor eco-town would have an unacceptable landscape and visual impact on the site and surrounding area. It recommended that further work would be needed once more detailed proposals for Weston Otmoor are known.
31. As noted above ecological impact has been identified as a key issue for the Weston Otmoor site. Baseline assessment of the ecological character and qualities of the site was undertaken by consultants acting for Parkridge, but working cooperatively with local authority and local voluntary sector experts. The outcome of this work has been agreed. The studies are included in the promoter's submission and show the site has an important interface with several sites of special scientific interest. As a result of the baseline work it became clear that particular uncertainties exist in respect of the hydrological impact of major development on the nearby SSSIs and the overall ecological framework of the wider area. A follow on study was commissioned by Cherwell District Council. The study will be completed shortly and the results will be included in the final draft of this document.

Conclusions

32. In summary, the following matters of objection can be raised in relation the eco-town proposal at Weston Otmoor.
 - It is a green field site in open countryside.
 - The landscape impact of an eco-town in this location would be considerable. It would constitute a very urban development form and density which is

completely out of character with the scale and density of other areas of settlement in the area; and would degrade the landscape character of the site.

- The location does not sit well with the existing settlement hierarchy. It would have a population a little larger than Bicester is today and this would give rise to a number of issues and problems and displace growth which would otherwise reasonably be expected to be directed to Bicester and Kidlington.
 - The presence of an eco-town in this location is likely to lead to a range of social and economic problems in the area as Weston Otmoor competes with surrounding towns and villages (particularly Bicester and Kidlington) for investment.
 - There are a number of significant concerns over the transportation proposals for the eco-town. These include concerns over the impact on the strategic and local road network, the role and functioning of the A34, and the desirability, complexity and workability of the demand management measures.
 - There are significant questions and concerns over the infrastructure requirements, in particular the rail investment, as there is no certainty the rail proposals are achievable or acceptable to the rail industry.
 - There are also significant questions over the deliverability and viability of the scheme.
33. Underpinning many of these issues is a major concern over the lack of independent critical assessment on the part of Government and public agencies over many of aspects of the proposal. At the time of writing this report, there was no assessment by government or its agencies of the rail, transportation, financial viability and deliverability of the proposals. The Councils would strongly urge the government to ensure that a proper assessment is carried out and is made public at the earliest opportunity.
34. The results of the various assessments so far serve either to confirm the county and district councils' original concerns about the Weston Otmoor proposed eco-town and/or to highlight further issues to be resolved.
35. The policy context provided by the Secretary of State's proposed changes to the South East Plan is clear in identifying Bicester as a main location for growth. The growth and viability of Bicester is a policy priority. The Arup report confirms the local authorities' concerns about potential impact of Weston Otmoor on Bicester.
36. In terms of transport implications our overall view is that an eco-town in this location could not meet the long term transport challenges of delivery, management, enforcement, adaptation and change which is essential in considering the future of such communities. As a consequence, there are enormous risks associated with the proposals.
37. The delivery of a major package of transport infrastructure underpins the delivery of the proposed settlement. There is a very high risk that the developer's overall strategy would fail to deliver all that is needed to support creation of a viable new settlement, unless there was significant subsidy from Government. This risk has

the potential to place an unacceptable and hefty financial burden on public authorities in the future. It remains for the Government and its advisors to give their view on the potential financial implications and viability of the proposal and how funding and other mechanisms might work.

38. The developer's proposal evolved through to the Final Bid Presentation in terms of the on site "eco" elements of the proposal. However, it appears that much of what is proposed is still aspirational with the SA, for example, pointing to the need for more developed proposals for energy conservation and renewable energy generation, and further developed water cycle and waste strategies. The SA has graded the scheme C - only likely to be suitable with substantial and exceptional innovation.
39. For all the above reasons the Government is urged not to shortlist this proposal.

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PLANNING POLICY STATEMENT: Eco-Towns

Part 3: Consultation questions

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

1. No. The process so far has been fundamentally flawed in that it has not been embedded within the plan-led system. The draft PPS makes a belated attempt to rectify this and the statement that the government is committed to the (development) plan-led system is to be welcomed. However, it remains the case that the PPS is to identify locations for eco –towns outside the development plan process.
2. This is particularly seen in the references within the PPS to Regional Spatial Strategies. The PPS is ambiguous as to the relationship between RSSs and the identification of eco-towns. Paragraph 2.2 states that 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*”. The implication here is that future RSS reviews have a choice as to whether an eco-town is appropriate within a particular location within a region. It is not clear how this statement is intended to sit with the current eco-town process where it is expected that the final PPS will include a final list of eco-town locations (thereby pre-empting any subsequent consideration by a future RSS).
3. Whilst it would appear that the PPS allows for future eco-towns to be identified through Regional Spatial Strategies, nonetheless the eco-towns identified in the PPS would sit outside the development plan process. This is particularly the case in the south east of England where the South East Plan is at an advanced stage having already been through public examination and proposed modifications from the Secretary of State.
4. The weight to be given to the PPS as a material consideration and the identification of locations through the eco-towns programme serves to undermine the development planning process. Eco-towns, as distinct and separate settlements should be considered along with other options such as urban extensions through the development planning process at local and regional level.
5. Paragraph 2.8.1 in the SA talks about monitoring the sustainability impacts of eco-towns and says that the indicators should include a particular focus on transport and employment as these are the most important determinants of their overall sustainability. The PPS talks about monitoring in paragraph 4.35 but does not mention these impacts and seems light on targets or real measures for transport sustainability.

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

6. No. One of the main failings of the process to date has been the fact that it has been developer/landowner led; this has meant that locations have not been selected on their ability to support sustainable travel patterns, for example. Indeed the location of many, such as Weston Otmoor, appears likely to encourage longer distance commuting.
7. None of the locational principles appear to be specific or only applicable to new settlements. Development within or immediately adjoining existing towns is likely in many cases to be more sustainable in transport terms, a possibility which appears to be acknowledged by Government in relation to NW Bicester. However, it is not clear how such eco developments of existing urban areas can be consistent with the draft PPS statement that an eco-town “must be a new settlement, separate and distinct”.
8. The draft PPS emphasises proximity to a higher order centre. However, this is not necessarily a good locational requirement if the eco-town diverts growth and resources away from other settlements, such as Bicester in the case of Weston Otmoor. This point is further made in the draft PPS emphasis on the “proximity of the eco-town to existing and planned employment opportunities”. It is a genuine concern within Oxfordshire, and one shared by SEEDA, that an eco-town at Weston Otmoor would divert investment away from Bicester, which is acknowledged as strategically important within the SE Plan.

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

9. No. While in general the standards proposed in the draft PPS may be supported the same principles and standards should be applied to all new development particularly major development. This appears to be the direction of overall policy guidance, related standards for new homes and building regulations. In addition, some of the standards (eg level 4 of the Code for Sustainable Homes) are unambitious and do not reflect what is required by Regional Spatial Strategies and LDFs. For example, the affordable housing target is below that in the South East Plan Proposed Changes.
10. Paragraph 2.1 should refer to eco-towns being “... expected to provide necessary social infrastructure”

ECO-TOWN STANDARDS

Q4. We would like your views on the Government’s proposed standards for eco-towns, in particular:

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

11. No. There is concern that the standards are being proposed without sufficient information being available on the effect of their application on the viability of an eco-town proposal.

12. Whether standards affect land values will depend on the land values before, during and after the development. Many of the eco-town proposals have been aired before and so land within them may already have "hope value" (and in some cases where it doesn't, it may well be because the location is hopeless in planning terms). In such cases, we have serious doubts whether developments which have major infrastructure requirements will also be able to achieve all the eco-town standards, especially if remediation of brownfield land is also required without front funding of major infrastructure. Availability of "front" and "gap" funding will be critical so Government commitment and support is likely to be needed. On the whole, sustainable urban extensions may be a more viable option as there are likely to be fewer up-front infrastructure requirements.
13. The draft PPS says "... there are other circumstances where a small new settlement in more remote locations may be suitable ". This will inevitably lead to many unsustainable proposals being pursued through the development plan system. This statement should be omitted or heavily qualified.

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

14. Potentially, if locations are chosen requiring large scale infrastructure provision to make them sustainable. The deliverability of schemes given the significant infrastructure requirements is questionable, particularly in the current economic climate and housing market and the apparent lack of commitment from the government to support infrastructure provision which is likely to be essential in the early stages of development.

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

15. No comment.

Q4.4 Are any of the standards not essential?

16. It is not clear what the climate change standard is. Aspects of climate change are covered by the amendment to PPS1 and other PPS and it is not clear what this standard adds to the process.

Zero carbon (paragraphs 4.3 to 4.6)

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

17. Figure 1 - reductions in carbon emissions and paragraphs 4.3 - 4.6 makes it clear that transport is the most significant carbon contributor (with home energy) but has very little in terms of how that should be tackled. It is certainly perverse that emissions from transport are excluded from the zero carbon standard. Zero carbon in eco-towns is related to energy use within the buildings only - what

about all the roads, street lighting and other structures, not to mention travel? The calculation should include transport emissions and embodied carbon to avoid perverse incentives and loopholes.

Climate change adaptation (paragraphs 4.7 to 4.8)

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?

18. No. The standard needs to be clearer. Alternatively, the issue should be left to be addressed by PPS 1 and the development of other the standards which should apply to all development.

Homes (paragraphs 4.9 to 4.10)

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

19. It is notable that the question on the homes standard relates only to energy efficiency. Some more thought needs to be given to the correct role of achievement on the code for sustainable homes – as one of the main purposes of eco towns should be to demonstrate large scale achievement of high code levels and the potential for economies of scale. It may be that a degree of flexibility is required in assessing final costs and deliverability, but the standard should be set high.
20. On the issue of affordable homes paragraph (4.9 (d) pending the adoption of LDF policies setting local affordable housing targets, the minimum target should be that in the regional spatial strategy (if one exists). Though this may raise some deliverability and viability issues, it is again very important that the PPS aims high.

Employment (paragraph 4.11)

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

21. No. Incorporating transport emissions into the carbon calculations would help to discourage proposals likely to result in longer distance commuting.
22. In paragraph 4.11 the aim is to keep unsustainable commuter trips to a minimum, but there is no definition of 'minimum', or how this could be measured or controlled.

Transport (paragraphs 4.12 to 4.16)

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

23. No. There is a lack of clarity around how the standard will be implemented. Paragraph 4.12 does not indicate a desirable walking distance for access to schools or employment.
24. The PPS is silent on the issue of travel to the eco-towns. Paragraph 4.13(a) gives a target of 50% of trips originating *in* eco-towns being by non-car mode but makes no reference to trips *to* the eco-town for employment, shopping etc. Paragraph 4.13(d) talks about the need to monitor carbon from transport but there is no definition of acceptable targets/what we should be aiming for.

Local services (paragraph 4.17)

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

25. The standard should include reference to extra -care housing, emergency services and waste management facilities.

Green infrastructure and biodiversity (paragraphs 4.18 to 4.21)

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

26. The standard which states that planning permission will not be granted for eco-town proposals which will 'have a significant adverse effect on internationally designated conservation sites or Sites of Special Scientific Interest' is welcomed. However, in line with PPS9, this standard should also acknowledge the important contribution that local wildlife sites make towards biodiversity and the standard extended to include local wildlife sites in addition to the statutory SACs and SSSIs.
27. The standard which prevents planning permission being granted if it will ' result in a net loss of biodiversity from the local area' is considered weak. In line with PPS9 this standard should be reinforcing the importance of expanding the biodiversity resource and amended to say that planning permission will not be granted unless the eco-town proposals result in a demonstrable net gain for biodiversity in the local area.
28. The proposal to produce a conservation strategy is welcomed. However, there are potentially a number of local stakeholders with an interest in developing such a strategy and it is recommended that the developers should seek to establish a local advisory forum which includes the statutory advisers, local authority ecologists, relevant non-government organisations such as the local wildlife trust and members of the local community with a particular interest/understanding of the local biodiversity resource. This forum, in discussion with the developer, would be responsible for devising a suitably robust strategy which would help to

safeguard, manage and expand the biodiversity resource associated with the proposed eco-town developments.

29. The intention that substantial areas of land in eco-towns should be provided for green infrastructure is welcomed. However, there is a concern that a target of 40% and the overall land take could lead to unacceptable pressure on existing landscapes and biodiversity and this must be guarded against. There are also significant issues about long term management of the significant areas of open space and habitat created. The standards should require that there are adequate arrangements in place.
30. Potential impacts on existing green areas and rights of way need to be addressed through proposals to mitigate such impacts.

Water and flood risk management (paragraphs 4.22 to 4.28)

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

31. Paragraphs 4.24(b) and 4.25 on water should say “eco towns must incorporate sustainable urban drainage systems (SUDS)”. Paragraph 4.27 on flood risk should refer to the use of porous paving to reduce the risk of flooding within the eco-town and reduce impact of flooding on surrounding areas.

Waste (paragraph 4.29)

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

32. In Oxfordshire local waste targets for recycling and reduction are higher than the central government targets. It is suggested that the policy statement refer to local Joint Waste Management Strategy targets as the benchmark instead where this is the case. The standard should also refer to waste reduction, including provision for home composting. The standard should also cover the issue of the use of recycled or recyclable materials in the construction phases.

Transition and development (paragraphs 4.32)

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

33. This element of the draft PPS seems to consist of good intentions rather than proposals that are capable of practical implementation. The requirement that planning applications should provide information on early delivery of priority services and timing of delivery and plans is welcomed. However, how will the proposals in the draft PPS for what planning applications should contain be

enforced? This section needs to be considerably strengthened; local planning authorities have plenty of experience of developers who find good reasons to depart from what was originally said in their planning application.

Community and governance (paragraphs 4.33 to 4.34)

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

34. This is a fundamental issue and there is not enough guidance on what is expected in terms of the institutional and funding arrangements that will be needed to sustain a new town in the long term. In particular the respective roles of public and private sectors, the governance role of local councils and the legacy / liability to local government should be explicitly covered.

Sustainability Appraisal, Habitats Regulations Assessment and Impact Assessment

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

35. The key sustainability policies, plans etc seem weighted more towards the housing delivery programme and less towards environmental and economic plans/programmes and policies.
36. The local authorities have a fundamental concern about the consistency and robustness of the SA process. It is not clear how alternatives for the shortlisted locations were selected; indeed, it is hard to discern any transparency or consistency in the way in which the original shortlist was arrived at. For Weston Otmoor two alternative locations have been identified, whereas for many of the other short listed locations no alternatives have been assessed.
37. The SA and HRA work was undertaken in a very short time. It is not clear if and how the SA and HRA have informed the development of the eco-town proposals in an iterative way as they should have done.
38. The appraisal suggests a number of potential positive impacts associated with the draft PPS. Potential benefits in relation to housing, environmentally-friendly technologies and infrastructure, relieving development pressure on neighbouring urban areas, minimising the impact of new development and providing a showcase for sustainable living could equally be delivered through other development options.
39. Paragraph 2.4.8 and 2.6.9 look at lessons learned from Northstowe and Cambourne and recognise that greener housing goes beyond energy efficiency to encompass sustainable transport and the importance of employment and transport to the sustainability of a place. However, transport does not appear to

be being taken into account in creating zero carbon communities (see also earlier comments on zero carbon measurement).

40. Paragraph 2.6.8 sees as a benefit of the eco-town that 50% of trips originating from it should be by non-car means. However, that does not deal satisfactorily with the potential impact of a large proposal like Weston Otmoor which appears likely to lead to an overall increase in travel. The PPS appears to miss the point that travel by walking, cycling or public transport is not a desirable end in itself, but only to the extent that it displaces travel by less sustainable modes; the main aim should be to reduce overall travel. The paragraph also says that 'where an eco-town is close to an existing settlement the target should be more than 50%' but does not explain what 'close to' means.
41. Paragraph 2.6.11, 4th bullet - talks about the success of eco-towns depending on the extent to which they provide a genuine modal shift towards sustainable modes of travel to and from the eco-towns. As noted in Q 4.9 the PPS is silent on the issue of travel to the eco-towns.
42. The SA fails to recognise that the historic environment does not only consist of listed buildings and Scheduled Ancient Monuments (i.e. statutory designations).

Q6. Do you have any comments on the issues identified in the Sustainability Appraisal/Habitats Regulations Assessment of the locations for eco-towns?

Q6.4 Weston Otmoor and Cherwell

43. Yes. The conclusions of the sustainability appraisal are supported in so far as they point to the fact that Weston Otmoor is a generally unsuitable location for new development. The risks and potential costs associated with attempts to overcome its "C" rating are too great for its shortlisting within the final PPS to be a sensible decision for the government to take. Indeed the SA conclusions should have resulted in the exclusion of Weston Otmoor from the draft PPS list of locations. The initial assessment bears out the view held by Oxfordshire County Council and Cherwell District Council that Weston Otmoor is not a suitable location for an eco-town. It performs less well in sustainability terms than an alternative which is closer to the edge of Bicester. In particular, the recognition of the following SA issues as they relate to Weston Otmoor are noted and supported:-
 - biodiversity and green infrastructure – the proximity of Weston Otmoor to SSSIs and nationally protected species (Note: There are further assessments underway on this matter and if there is any possibility that Weston Otmoor is to be included in the final PPS it is essential that this work is complete and taken into account before such a decision is taken)
 - an area of flood risk 3 adjacent to the site
 - stress on water resources (aquifers and sewerage water treatment capacity)
 - the possibility that the provision of community infrastructure may prejudice development at Bicester
 - the impact of Weston Otmoor on existing sources of employment

- transport and accessibility issues in relation to the proximity to the M40 and A34 and the capacity issues here
 - the impact on Green Belt
 - the recognition that Weston Otmoor is not within a growth area.
44. Section 2.4 considers the policy context for the sites that have been appraised in Oxfordshire. It focuses on housing numbers and review of the green belt. It is notable that it does not include any reference to either the strategy in the Oxfordshire Structure Plan or to policies in the central Oxfordshire section of the Proposed Changes to the South East Plan, and in particular policies in relation to the economy and which identify Bicester as a main location for development. There is also no reference to the affordable housing target of at least 40% in Central Oxfordshire which has been endorsed by the Secretary of State.
 45. Paragraphs 2.6.66, 2.9.2, 2.9.4. The SA should be revisited in light of the recently published assessment by Arup of the economic and social impact of Weston Otmoor.
 46. Figure 2 should include Local Wildlife sites. These are well documented in Oxfordshire and the information is easily obtained from the Thames Valley Environmental Records Centre.
 47. Paragraph 2.6.1. It is not correct to say that Oxfordshire County Council designated Shipton on Cherwell Quarry a county wildlife site. County (now called Local) wildlife designations are ultimately agreed by a panel which includes representatives from Natural England, Oxfordshire County Council, BBOWT and the Thames Valley Environmental Records Centre.
 48. Paragraph 2.6.13 states that within the immediate vicinity of the North-West Bicester area there are no significant ecological constraints. The County Ecologist thinks that it is too early to reach such a conclusion. Further ecological surveys of this area are required so that its biodiversity interest can be properly assessed.
 49. Paragraph 2.8.6. refers to the water cycle study commissioned by developers. Cherwell District Council, in consultation with Oxfordshire County Council, has commissioned an independent review of the hydrological reports in order to assess the potential impact of the proposed development on the two SSSIs.
 50. Paragraph 2.9.11. More detailed ecological surveys are required before such an assessment can be made.
 51. Table 3 states that Wendlebury Meads and Mansmoor Close [I think we called it "Close" before] SSSI is situated 1Km to the east of the site location. Part of this SSSI actually falls within the eco-town location boundary.
 52. The County Archaeologist advises that the SA misrepresents the potential impact of this proposal on the below ground archaeology and until these issues are rectified is therefore unacceptable as a supporting document.

53. The majority of below ground archaeological issues, already identified through a Desk Based Assessment (DBA) carried out by CgMs in July 2007 for Parkridge Developments, have not been addressed as a sustainability issue. In paragraphs 2.6.25 to 2.6.35 listed buildings and scheduled ancient monuments are mentioned ignoring the archaeological heritage identified through the DBA which highlighted a number of known archaeological sites within the application area itself including probable Roman buildings, an Iron Age settlement site, a number of Bronze Age barrows and surviving aspects of a medieval field system all of which could be of national or special local importance.
54. Similarly paragraph 2.8.26 again only refers to the listed and scheduled structures near the proposal site. Although the proposed site is located near to the Roman Town of Alchester the archaeological potential of the proposal site is actually highlighted by the desk based assessment and by failing to mention this it misrepresents the sustainability issue of the below ground archaeology. The DBA rates the archaeological potential for the site as moderate to high and suggests that a staged programme of evaluation needs to be conducted prior to any determination of the application. Based on this we feel that section 2.9.2, on the key weaknesses of the eco town, should clearly state the possibility that the proposal will adversely affect potential nationally and locally important archaeological deposits that could be present on this site; and that the need for further evaluation of the site, in the form of a suite of techniques including field walking, geophysical survey and trenched evaluation should be added to the issues requiring further consideration in this section (Paragraph 2.9.4).
55. Table 3 fails to mention the below ground archaeological aspect of the historic environment which has already been identified through the DBA. As a result of this it is our belief that the SA does not address the issue of the threat to below ground archaeology despite the conclusions of the DBA, which was produced over a year in advance of the SA but has been completely omitted.

**ECO-TOWNS: LIVING A GREENER FUTURE” (APRIL 2008)
CONSULTATION BY COMMUNITIES AND LOCAL GOVERNMENT
JOINT REPORT BY CHERWELL DISTRICT COUNCIL AND OXFORDSHIRE
COUNTY COUNCIL. JUNE 2008**

1. The report was prepared jointly by Cherwell District Council and Oxfordshire County Council in response to the consultation by Communities and Local Government in April 2008 on “Eco–towns: Living a Greener Future” and specifically the proposal for a new settlement at Weston on the Green “Weston Otmoor” in Cherwell. The full report is available at:
www.oxfordshire.gov.uk/content/public/Resources/hlpdownloads/CA/CA240608-07.htm Annex 1.
2. The Government’s consultation document set out how the government is taking forward the eco-towns programme including the shortlist of locations going forward for more detailed assessment.
3. The report highlighted a range of concerns about both the process and the specific proposal and in particular:
 - concern about the proposed planning policy statement and how eco-town proposals may be handled through the planning process to effectively by-pass the development plan system ;
 - we are not convinced that the Government has put forward an effective planning and delivery mechanism for a national programme of new settlement construction;
 - the Weston Otmoor proposal has not been supported by the strategic sub-regional planning process; is without local planning authority support and without any apparent consideration of the policy context provided by the emerging South East Plan ;
 - Government policy emphasises the protection of green belt and the use of previously developed land. Development of this sort is inappropriate in the Green Belt and would not normally be permitted;
 - the site is adjacent to strategic road network (A34 and M40). However, the A34/M40 junction is already severely congested and the Highways Agency has expressed serious concerns in relation to future capacity. Significant improvements would be required. Although the proposal is expressing the intention to provide a settlement where public transport is a priority and sustainable travel patterns are promoted, its location adjacent to the intersection of two major routes could create/maintain high levels of demand for car based journeys;
 - an important issue is how Weston Otmoor would fit into the settlement pattern and hierarchy of the Central Oxfordshire Sub Region and in

particular how it might impact on the existing and planned development at Bicester. The assessment of the economic and social impact of the proposal on Bicester that was requested by the local authorities is particularly important;

- the key issue around the transport offer is whether it is deliverable, not just in terms of funding but also in terms of practicality, timing, management and enforcement. A large number of detailed questions have been asked of the promoters around these issues;
- the overall transport infrastructure budget (£250m) appears to be very significantly short of the funds likely to be required to deliver the full transport offer proposed;
- The claims made by the promoters for the “eco-credentials” of their scheme in transport terms seem aspirational in the extreme. There is very little in the proposal on other elements of an “Eco” offer, namely carbon, waste, energy, water, eco-build homes etc other than a passing reference to “innovation”;
- other aspects of the scheme, particularly the housing and employment proposed are very embryonic in detail and it is not clear how the affordable housing will be delivered in the context of the other infrastructure requirements.

**Eco-towns Assessment Process – Viability and Deliverability. Letter from
Cherwell DC to CLG dated 9 December 2008**

Chief Executive's Office

Mary Harpley Chief Executive



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Dear Henry

5 January 2008

Eco towns Assessment Process – Viability and Deliverability

I refer to your two letters to local authorities affected by the eco towns initiative dated 20 October and 3 December 2008 and to several discussions on this topic in Weston Otmoor Governance and Technical Groups.

I am writing to set out a number of general points of response on the progress of the Government assessment of the viability and deliverability of Weston Otmoor.

What is said here caveats, and is in addition to, the attempt we are now making to respond in detail to the specific requests the CLG consultancy team has made of the local authorities – in particular to provide entries to the “Section 106 Heads of Terms” standard template (as part completed by CLG following discussion with the WO promoters?). You will be receiving separate detailed responses from both Cherwell District Council (CDC) and Oxfordshire County Council (OCC) officers on this.

I have to say that generally my Council is very concerned about the way the viability and deliverability assessment is being undertaken.

In brief, the issues as we see them are:

- Overall Process: Local authorities were offered involvement and influence in all aspects of the assessment process. On viability and deliverability we have not been given

access to essential information and to the analysis we would expect is being undertaken by the Government consultancy team.

- Applicability of Section 106: The suggested use of a conventional planning agreement (i.e. agreement based on detailed specification and control of infrastructure, financial and management requirements) is problematic in a situation where the development process involves a sizeable freestanding new town and will take 20 to 25 years. An agreement of this kind will be extremely complicated and the balance of risks will be difficult to settle. The LPA will be expected to embark on a development control process with many questions and conflicts unresolved. Any agreement may be subject to challenge after 5 years. There is a strong likelihood that eventual resolution would need to be through unilateral undertakings. This form of planning obligation cannot readily deliver the commitment of the many third parties that need to be involved.
- Alternatives to Section 106: During the assessment process CLG has suggested it will be considering alternatives in the form of joint venture agreements between landowners and delivery bodies. At this late stage we have still seen no proposals for this.
- Policy Base (PPS): The draft PPS does not address planning agreement and other delivery mechanism issues at all. It thus provides a very weak basis for a development control decision process. It seems clear that that special, stronger than normal, control mechanisms will be needed, so these should be explicitly required.
- Statement of Intent: Recently this concept has been introduced as a suggested method of fixing the promoter developer "offer". The mechanism is poorly defined and appears to have no formal, or legal, status. It is not even referred to in policy. This means it will have little weight in the development control decision process.
- Delivery Support: No indication has been given of the delivery arrangements recommended by CLG's consultants, or intended, for the various types of eco town and for Weston Otmoor in particular. This is an important issue for the local authorities in making their final consultation response on the practicalities of implementation and local governance preferences.

I attach some detailed notes which explain our concerns in more depth.

This response is made by Cherwell as the Local Planning Authority that could find itself directly responsible for the implementation decisions and issues highlighted above. However, the views expressed have been discussed with, and are generally shared by, officers at Oxfordshire County Council.

I will attach this letter to the agenda for the next round of Governance and Technical Group meetings.

I hope that we can discuss its contents and that some more detailed (and Weston Otmoor specific) background information can be provided on the Government's draft assessment studies on viability and delivery well before Phase 2 consultation responses are due in February.

Yours sincerely

John Hoad
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Enclosure: Eco Towns Assessment Process – Notes on Viability and Deliverability Issues (see below)

Copies to: Paul Chamberlain, CLG
ATLAS
TCPA
Tony Baldry MP
All Members of Weston Otmoor Governance and Technical Groups (including Parkridge and advisors)

CDC copies to: Philip Clarke
Tony Wilson
Pam Wilkinson
David Marriott

ECO TOWNS ASSESSMENT PROCESS – NOTES ON VIABILITY AND DELIVERABILITY ISSUES

Overall Process

At the start of the national level assessment process local authorities were asked to participate fully; on the basis that they would be able to provide local information and prepare effectively for a future formal planning process (at that stage undefined) that would allow the selected Eco Towns to be implemented.

The local authorities were clearly given encouragement to believe that they would also share in and influence the results of the assessments as they emerged. Cherwell District Council and Oxfordshire County Council (CDC/OCC) thus expected to be able contribute to and fully influence the conclusions of the national assessment studies undertaken and commissioned by CLG.

This has happened for a number of the study work streams. Where the local authorities have commissioned or taken the lead in this work we have been open in sharing information with all parties, including the promoters, at all stages of the process.

The local authorities were always clear in explaining that their involvement in and understanding of viability and deliverability was crucial – not only to help build up information on the necessary planning requirements for a development of this nature – but also in ensuring that there was adequate testing of the “offer” that was being made to Government by the promoter. As the eco-towns process has evolved it has become increasingly clear that this level of involvement is needed. This is because Government is envisaging that local authorities are likely to have to play a “normal” local planning authority role in implementing the eco-town schemes (Draft PPS Para 2.5). Thus the “Section 106 offer” will be made, in final form (at least initially) to local government, and it is CDC that will need to decide whether to approve or refuse. Given the “special” nature of eco town development and the role Government envisages for the PPS in approving general locations at policy level, the viability and deliverability offer is likely to be the determining factor in that development control decision.

Government has not been willing to open the process of assessment of viability and deliverability to the degree necessary to ensure that local authorities can be comfortable that the promoter’s offer has been clearly defined and that the Government assessment has been adequate.

Failure to provide full information to local authorities on this part of the assessment process is increasingly likely to compromise CDC / OCC ability to respond effectively to the Phase 2 consultation process. This is because local authorities would hope to comment realistically in light of what they have learnt about viability and deliverability (the eco towns promoters promise much and local authorities need to have a realistic idea of viability and deliverability issues before saying whether they are a good idea or not!). Should the Western Otmoor (WO) scheme be listed in the final PPS, the ability of the local planning authority to successfully secure the promoter’s offer through a development control decision

will also be seriously compromised by lack of involvement in, and knowledge of, the Government level viability and deliverability assessment.

To date, from the local authority perspective, the process has been as follows:

- There has been a general e mail exchange recording CDC's request for early involvement in these assessments. Several substantive issues, (now recorded in the remainder of this letter) were raised for consideration by CLG. No feedback was provided, but it was promised later.
- There have been two general communications to affected local authorities (referred to above). The issues raised are of great concern (see remainder of this letter) and whilst it is encouraging to now see that some information on the results of the viability and deliverability assessment will be published in January, this will be very late in the day in relation to the close of Phase 2 consultation. More important, it appears that publication will occur without an opportunity for the affected local authorities to see and comment on draft reports from the consultancy team and engage with them on findings crucial to the implementation task expected of the local authorities.
- On viability the local authorities have (at a late stage) been asked to complete a very simplistic matrix of S 106 Agreement Heads of Terms. The matrix presented includes a very few comments on the promoters "offer". The source of, and back up research on, these comments is unclear. In recent meetings the consultancy team offered no guidance or input on their advice to Government on the application of planning agreement or unilateral undertaking procedures to eco towns. They were unable to offer advice about their research and experience on comparable cases. In addition the basic assumptions on development content and phasing appear not to have been fully articulated or analysed to take account of the feedback from the various streams of assessment – including Government / Government Agency and local utility and service provider input.
- Also on viability it is understood that CLG and its consultancy team have solicited and received commercially confidential financial information from the promoters which cannot be shared with local authorities. It is hard to accept that such information should be kept confidential from a local planning authority. It would be a normal expectation in a planning process that this material was available and considered. On eco-towns, local authorities are clearly not in a position to advise or act effectively without it. Even if the type and level of information provided by promoters presents problems for CLG at this stage of the process because of the competitive bidding system established in the original Eco-Towns Prospectus, some information and analysis on this issue is crucial to facilitate useful local authority input. It is a reasonable expectation that CLG's consultants will have undertaken higher level summary assessment and associated analysis that can be made available to the local authorities without risk of damaging the competitive bidding process. Such an assessment should be shared in draft with opportunity for all involved to comment. Nothing has emerged, and the local authorities are being left to comment blind. Not only is this less effective, but, because interpretation and assumptions are needed, it creates a great deal more work for the officers involved.
- ATLAS has undertaken a brief interview with the local authority officers involved. The results were written up as a simple record of issues discussed and circulated for comment. There has been no analytical input to the process – and crucially no draft assessment of deliverability made available for discussion and comment. Apart from informal feedback at Technical and Governance meetings, to date, the local authorities have no idea of what deliverability issues are "on the table" for Government in their decision making process.

Applicability of Section 106

Most Government communication on viability and deliverability to date appears to assume that Section 106 agreement procedures are an adequate mechanism to secure the development of an eco-town.

There are a number of problems with this approach:

- *There seems to be a very limited understanding of the planning obligations process and its procedural limitations. An agreement necessitates an accord between the local planning authority and the applicant. It is therefore consensus based. In the circumstances of WO, it is likely to be very difficult to reach a planning agreement consensus. Conflict resolution is by way of the applicant offering unilateral undertakings that are considered by an Inspector or the Secretary of State through a planning appeal/inquiry. The Planning Inspectorate finds it difficult to deal with contested planning obligations issues in detail through an inquiry process and in such circumstances it is Government that would need to take the decision on whether the eco-town promise can be delivered and to find a way of negotiating effectively to that end. The normal post Inquiry "circulate suggested undertaking wording and ask for improvements process" does not help negotiation.*
- *Unilateral undertakings are problematic because they cannot readily commit third parties to actions they are unhappy with. In the case of a new town scale of development with its many implications for national / local services and governance this would be a serious handicap. In effect Government might need to consider contracting itself to fulfil many of the public obligations arising. Whether this is possible needs to be explored fully.*
- *Planning agreements or unilateral undertakings have a short life before they can be challenged – and five years is a very short timescale in terms of creation of a new town. Challenge on grounds of changing economic viability is easily conceivable.*
- *Planning agreements require firm, clearly defined and specified commitments by landowners / developers and other parties. Often on much smaller developments this is difficult to achieve due to cost and risk issues that cannot easily be set out and controlled at an early stage.*
- *The product of the point above is that planning agreements are often reached on the basis of a local authority or public sector body agreeing to take defined financial contributions as a basis for implementation of public sector elements of a scheme. This is always problematic as it transfers implementation and cost risks to the public authority. In a development of the scale of a new town it is very difficult to imagine the bodies concerned accepting such risks – at least with out Government underwriting.*
- *Generally an analysis of potential use of Section 106 leads to a conclusion that if that mechanism is to be used, thinking has to be about a "private new town" concept. The implications of this do not appear to have been worked through by the WO promoter or Government.*
- *Enforcement of complex planning agreements based on detailed definition and specification is fraught with problems. Failures to meet expectation are common, because detailed interpretation by parties in conflict results in a failure of control or a watering down of outcomes.*

Of course it may be that there are ways in which these problems can be overcome, and that Government is actively considering them in private. However there is no evidence that this is the case in the formal papers issued to date. CDC / OCC had expected that Government and its national expert consultancy advisors would be able to provide analysis of all the options available to secure implementation. John Walker has indicated that Government may consider requiring an alternative form of agreement where the promoter/landowner enters into a "joint venture" with a public body. However this has only been mentioned as an idea and local authorities have not been further informed or involved.

The local authority expectation was that CLG and its consultancy team of financial and legal experts would be able to develop and propose alternative approaches to implementation that could be applied by local authorities or other delivery bodies in the context of strong Government policy backing. Some innovative application of specialist expertise and thinking had been anticipated. By now Government could have been suggesting model agreements to promoters and testing out their responses. It may be that this is underway, but by this stage in the process it would have been helpful to have been in some way informed.

In addition it was to be expected that work by CLG on implementation would have drawn on the available recent experience of use of planning agreements for very large scale residential developments. Examples might be Northstowe in South Cambridgeshire and the Wixhams in Central Bedfordshire. The

experience may not be extensive, but it could be very instructive – especially in terms of the scale of the work needed to specify such agreements, the negotiation process involved and the timescales needed to finalise an agreement. ATLAS has relevant comparative experience and will presumably be contributing to a final delivery assessment on that basis?

Alternatives to Section 106

It would appear that Government has concluded that new towns legislation and compulsory purchase is not a workable implementation method; presumably because of the development of land valuation and compensation case law. However this has not been explained to those participating in the process. The assessment of viability and deliverability should for completeness comment on this, as one conclusion on deliverability might be that effective implementation a free standing new town (on privately owned land) through the current legal framework is not practical, and that a rethink on primary legislation about compulsory land acquisition is required first.

From the local perspective it is therefore suggested that the following “planning agreement” options to deal with land values and ownership need to be examined in detail and promoted through the viability and deliverability work:

1. Use of a planning agreement that the promoter / landowner accepts will, on grant of planning permission, transfer all the land within the promoters control to a suitable public body. This would be done on the basis of a well defined initial (and significantly reduced below market) land value uplift and a (doubtless complex) formula for future “profit” share with the public sector (low share, as risks transferred). The agreement would justify the low transfer value by committing legally that the land would not be used for other purposes.
2. As a variant of the above, the planning agreement requires that, before implementation of the planning permission, the promoter and a nominated public body put in place a joint venture agreement and related company to hold land ownership. This agreement would have to give the public body a controlling share in the company in return for commitments to help bear the burden of the forward funding of required infrastructure and to safeguard the special form of development. The private promoter would receive an appropriate share of the land sale profits arising from disposal of individual development phases.

Option 2 would clearly be more difficult to define and negotiate at the outset, but could be more acceptable to the landowner and result in a better potential to share infrastructure and set up costs with the private sector.

In both options there is potential to address issues of detail as phases of development proceed, and also to respond appropriately to market conditions as parcels of land are sold off to third party private developers. More specific planning obligations and the community infrastructure levy, or land sale development agreements, could be used to require a developer to contribute to public costs on particular elements of the development. This could provide a flexible framework for implementation of various phases of the new town’s growth.

There is potentially a clear policy base for these approaches to agreements with landowners. It is a contentious and difficult one, but it appears to already be present, if somewhat hidden, in the evolution of the eco-towns programme. The suggestion seems to be that eco-towns are a special form of development that will require costly measures over and above routine normal, planning requirements. An eco-town would not be permitted in a normal planning procedure. In effect the development of an eco town is “off plan”. It follows that a normal urban development would be refused in an eco-town location identified in the PPS. This in turn means that land value expectations will not be “normal”, as the costs of implementing these special developments are higher. The nearest policy precedent is in the PPS 3 approach to rural affordable housing exception sites. Clearly this is an exception site approach on a much a larger scale! The parallel follows through in the rural exceptions requirement that land is sold to an RSL at a price that allows for social rented housing to be funded (this usually means nominally above agricultural values). In return the agreement ensures that the land will not be used for a normal (higher value) use. The question now needs to be asked – is it intended that this policy basis should be explicit? Alternatively is this a complete misunderstanding of intent? Without clarity implementation will be very problematic.

Such approaches require completely new thinking by the promoters/ landowners and necessitate a direct public sector role in implementation (a well supported and funded local planning authority, a NT Development Corporation or the Homes and Communities Agency). It would also be necessary to find public methods of forward funding infrastructure and services investment, but there are recent precedents in English Partnerships acting in a “banker” role. Use of compulsory purchase to ensure full land assembly may also be needed. The advantage these approaches offer is initial (relative) simplicity and long term control of the land and land value capture to support and repay public investment. The public sector or joint public / private company then has the ability to create serviced plots and sell them to private sector for development phases over a number of years. The land value and cost uncertainties can be dealt with appropriately at the time when the various phases of the new town proceed.

Considering these approaches will require Government and promoters to directly face and resolve the big issues of betterment and land value capture that have always been present in the eco-towns programme. It is unacceptable for the Government to leave these issues to local resolution (see related comments on draft PPS and Statement of Intent mechanism below). The alternative forms of agreement suggested have the potential to remove much of the detailed analysis of requirements and costs – many aspects of which are impossible to pin down at an early stage, or over a long timescale.

It was expected that the consultancy team working for CLG on viability and deliverability would be exploring and developing ideas such as this, so that implementation methods would be agreed well before the PPS was published. If this is not done the policy control influence over land value expectations will be seriously compromised.

Policy Base (PPS)

It follows from the points above that the expectation might also have been that the special arrangements for eco-towns implementation would be set out explicitly in the PPS. On the basis of the draft this does not seem to be intended? It is appreciated that the policy is clear in setting standards to which eco towns must aspire. However this is not enough.

When development control decisions are taken and the Planning Inspectorate become involved in conflict resolution, judgements will be made pragmatically, taking into account the policy base and those standards, but then considering normal planning factors such as housing need and economic viability. It is highly likely that compromises will emerge that will be seen as the best that can be achieved. In some locations such an outcome might be acceptable (e.g. where there is local authority support for an “infill”/urban extension approach, such as Bordon). However for locations such as WO, where a completely new – free standing - town is to be created, and the “exceptional” public responsibilities are enormous, it will be unacceptable to permit a development that does not fully, and firmly secure implementation of the original objectives of the eco-towns programme.

For this reason it is necessary for the policy base to be explicit on:

- the in principle land value and land value capture assumptions (as explained above)
- the legal and other mechanisms that are to be used to secure that position

At very least the Statement of Intent and its role needs to be referred to in the PPS, so that it has some status (see below).

Statement of Intent

Local authorities have been asked for general comment on this concept.

It is assumed that the Statement of Intent is an attempt to address some of the issues noted above, in that it is designed to provide a public statement of the developer’s intention to meet the exceptional requirements of eco town development.

It is of considerable concern that so much now appears to rest on a concept that has no basis in law or policy. We have previously expressed said that the concept has not been very clearly described or

analysed. What advice has been received from viability and deliverability consultancy teams on its status and application?

If the Statement of Intent is to have any weight as a non statutory mechanism, it must at least be enshrined in policy. However the draft PPS makes no reference to it at all. This is difficult to reconcile with its suggested importance.

The Statement of Intent guidance (CLG Letter) now issued seems to place great reliance on the Section 106 Heads of Terms matrix, and the inclusion of a promoter /developer "approach to delivery".

However the supporting guidance note from ATLAS does not really give much emphasis to these two crucial aspects. It concentrates wholly on more general requirements for statements about vision master planning and consensus working through a Planning Performance Agreement (PPA). This is rather inadequate in a situation where enormous values, costs and profits/losses are in play. Clearly there is a basis for good quality collaborative working between landowner /developer and public bodies, but this can only be successful in the context of an agreed framework that has, in advance, resolved inherent conflict over underlying land value and other financial interests.

The content of the Section 106 Heads of Terms aspect of the statement is problematic in itself. Judged on currently available material, the level of detail proposed is not sufficient to provide any degree of assurance. To be effective heads of terms have to be reasonably specific, detailed and quantified - either in a substantive content or financial sense. Overall headings identifying areas to cover (e.g. primary schools) and responses saying (e.g. trust to manage town facilities) are not very useful. In its own terms, this method would necessitate some form of financial bonding against failure to deliver. This is not even mentioned.

Delivery Support

The material issued so far does not give any opportunity for engagement with local authorities on the question of how Government is concluding on the appropriate method of providing public sector delivery support for the different bids / locations. It might have been expected that thinking would now emerge on which locations justify which delivery bodies and arrangements? For example previous informal discussion has suggested that WO is of a scale where consideration of a New Town Development Corporation (with appropriate involvement of local councils) is likely to be needed. For smaller developments local support / delivery bodies or arrangements with Government and its agencies might suffice? To date there is no indication of Government thinking, and this gives no opportunity to cross relate that to the comments on other aspects of delivery and viability set out above.

Furthermore it would appear that the developer/promoter is now being invited to "propose" in this respect. The promoter is bound to want a "weak" approach. This does not provide confidence in the policy framework Government is setting. For WO, the promoter /developer appears, from material seen by the local authorities, to be very vague and to be offering only an ill defined private new town with management company. Is there more submission material and Government thinking local authorities are not party to?

JH
CDC Dec 08 V2

Economic and Social Impacts of a Potential Eco Town at Weston Otmoor

1. Arup were commissioned (by SEEDA at the instigation of Cherwell District Council and Oxfordshire County Council and funded by CLG) to assess the potential economic and social impact of the Weston Otmoor proposal. The study was undertaken in two stages. The first stage of the study identified the existing socio economic conditions and key issues facing Bicester and surrounding settlements, including assessing the likely deliverability of the current economic development strategy and spatial plan for Bicester. The second stage examined the impact of the proposed eco town on Bicester and other nearby settlements, including the impact on the deliverability of the current planning and economic development strategy.
2. The conclusions of the Arup report are as follows:

Overall Conclusions

9.1 General Conclusions

9.1.1 The housing and employment proposals at Weston Otmoor, in combination with existing plans, provide capacity for growth far in excess of existing anticipated demand in the local area. The strategy set out in the emerging South East Plan is to promote Bicester as a new location for higher value and knowledge based industries associated with the Oxford Cambridge Arc, and to reduce its dormitory function. Additional new employment development in Oxfordshire (including development in eco towns or north of Oxford) will need to ensure that it does not risk undermining these improved fortunes. Specifically, there is a significant risk that the Western Otmoor proposal will undermine the emerging South East Plan and the Secretary of State's proposed changes which suggest that additional employment land and housing on the northern edge of Oxford could be detrimental to Bicester's aspirations.

9.1.2 Although there is some scope for the Eco Town to help 'grow' the local economy and offer more housing, the consultants judge that the following outcomes are also likely if the Eco Town goes ahead:

- Although eco-credentials may generate some additional demand, existing activity and planned growth will need to be displaced to the Eco Town, displacing existing and planned future growth in Bicester and Kidlington.
- Bicester will fail to realise its vision and may be less sustainable as economic activities decline.
- The Eco Town will not necessarily develop in the timescales suggested by Parkridge.

- Employment growth is likely to lag behind housing growth and it will take many years before these balance.
- To achieve success the Eco Town will need to increase demand in the local housing market, for example by offering additional affordable housing.
- To be successful in employment terms the Eco Town will have to act as a regional scale facility, capable of attracting new growth from across the wider region.

9.2 Specific Conclusions

9.2.1 Other more specific conclusions supported by a range of evidence can be summarised as follows.

- Cherwell is one of the more affordable housing locations in the South East and has received substantial proportions of housing growth in recent years, notably at Bicester. There is no obvious evidence of under provision of housing in the area and, indeed, the existing pipeline of housing is large with a wide range of potential housing capacity evident in the LDF Issues and Options paper. The district is thus not an obvious location for further growth.
- Many of the economic drivers for the Eco Town, such as the commuting potential via Chiltern Railways, are shared with Bicester or with other locations in the Central Oxfordshire sub region: there are no obvious existing independent economic drivers for the Eco Town.
- Bicester has experienced rapid growth of population as a result of new housing and now needs to balance this growth with improved employment opportunities as well as better infrastructure and services. These prospects have been delayed by the effects of global credit crunch on property markets, and would be threatened by the Eco Town.
- The implied trajectory of housing growth of the Eco Town together with existing planned growth in the district represent a more ambitious housing trajectory than has been achieved in stronger growth areas.
- Within a polycentric urban structure and without the mechanisms available to new towns in the past, it is difficult to see how the requisite level of self containment will be achieved. It is likely that employment will lag behind housing and it is unlikely that new residents will make the 'double move' of home and job within a short period. Even as jobs come available it is unlikely and would be entirely coincidental if resident skills and experience matched employment opportunities. This means that it is important that there is sufficient transport capacity to meet all these flows.
- The Eco Town would face considerable competition for large scale employment uses from the rest of the County, especially south of Oxford. It is not clear why the Eco Town would have a competitive advantage.

9.3 Wider Conclusions

9.3.1 Other conclusions that arise as a consequence of undertaking the study are as follows:

- It is not clear that Weston Otmoor is the only or best option for meeting additional growth objectives in this part of Oxfordshire.
- There is potentially substantial capacity for further growth of housing and employment in Bicester.
- Given the large upfront infrastructure costs it is important that the sensitivities of costs and build-out rates are tested upfront to mitigate the need for future compromises on infrastructure, employment and service provision.

Environmental Assessments

As part of the assessment process of the Weston Otmoor eco-town, Cherwell District Council commissioned two environmental studies: a water cycle study and a landscape and visual impact assessment.

Cherwell District Council commissioned consultants Scott Wilson to assess the potential impact of the proposed eco-town at Weston Otmoor on the water cycle, water infrastructure and the water environment of the study area. The study concluded as follows:-

Water resources: The site is situated in one of the driest regions of England and Thames Water has identified limited capacity to supply additional demand. If the proposal is to go ahead, discussions would be required with Thames Water to consider a strategy to meet the predicted demand of the eco-town.

Water infrastructure: There is currently a lack of infrastructure across and adjacent to the site. This would require significant investment to overcome. There is limited further capacity at the current sewage treatment works on the south side of Bicester. The provision of the eco-town would require further investment, which may include the construction of a new sewage treatment works to serve the eco-town.

Flood risk and drainage: There is a strong expectation within the draft PPS that the built up area of eco-towns should be fully within flood zone 1 (where the likelihood of flooding is less than once in 1000 years). There is a small area of the eco-town that is not within flood zone 1 (approximately 4%); however, it may be possible to incorporate these areas as green infrastructure. [I thought we were claiming elsewhere that it immediately adjoined an area of flood risk 3. If so, surely we need to mention that here too?]

Water environment and water quality: No details were available of the quality of the watercourse crossing the site; however, it is a tributary of the River Ray which is of fairly good chemical and good biological quality. It is critical that this water quality is not adversely affected by the eco-town. Furthermore, the eco-town could have an impact on three SSSIs, one of which (the Wendlebury and Mansmoor Close SSSI) lies partly within the footprint of the eco-town. All of these SSSIs are hydrologically dependent sites and a thorough ecological assessment of potential impacts of the eco-town is recommended.

Landscape and Visual Impact Assessment

Cherwell District Council commissioned consultants Broadway Malyan to make an initial assessment of the landscape and visual impact of the Weston Otmoor eco-town. This study concluded as follows:-

The site is presently largely visually contained. Whilst there are a limited number of locations at a distance of 1-2.5 km where there will be views of part of the site,

generally clear views are limited to areas of public access and areas on or near to its immediate boundary (including the M40, A34 and railway line).

The landscape character of the site can absorb some small scale development, providing it is sensitively sited and set within a strengthened landscape framework. However, the Weston Otmoor proposal would constitute over-development because of its sheer scale and density and because of the design of the overall masterplan. The proposals would degrade the landscape character of the site.

The revised masterplan and sketches provided by Parkridge indicate a very urban development form and density which is completely out of character with the scale and density of other areas of settlement in the area. This will be difficult to contain visually and to mitigate.

The fieldwork was carried out in summer, when trees and shrub planting are in full leaf. Further field survey work was done after leaf fall. Areas of screening were found to be, in many cases, less effective, exposing larger open parts of the site to public view.

Overall, the study concluded that the proposed Weston Otmoor eco-town would have an unacceptable landscape and visual impact on the site and surrounding area. It recommended that further work would be needed once more detailed proposals for Weston Otmoor are known. Insufficient details have to date been provided of some of the key infrastructure elements of the eco-town (such as the new junction 9, railway station and waste for energy plant) to fully consider the impact of these and the eco-town overall.

