

England's Economic Heartland Integrated Sustainability Appraisal (ISA) Scoping Report

Consultation response, by Planning Oxfordshire's
Environment and Transport Sustainably (POETS)

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Who we are

POETS (Planning Oxfordshire's Environment and Transport Sustainably) is a small group of senior planning, environment and transport professionals and academics focussed primarily on Planning and Transport in Oxfordshire. For more information go to (www.poetsplanningoxon.uk).

We focus here on what we believe are significant strategic issues related to the ISA.

1. Cart before the horse

We are concerned that the ISA scoping report has been compiled after much work has already been started on the Transport Strategy: the 'Framework for Engagement' was published in Summer 2019, more than six months before the ISA scoping report was published. We understand that the 'Framework for Engagement' is not a draft plan, but the document suggests that a range of important and contestable decisions have already been made, in advance of the ISA. These include

- a strong focus on connectivity (rather than, say, reducing the need to travel which is a more minor component)
- an 'ambition' for a zero-carbon transport system by 2050 (rather than, say, zero carbon being the primary aim of the strategy, or achievement of zero carbon before 2050)
- an underlying assumption about the primary importance of economic growth in the region (rather than, say, a circular economy or a more equitable national distribution of economic growth).

This is inconsistent with good practice, which is to begin the ISA early in plan-making, before any significant decisions have been made¹.

2. Overall logic

The report identifies many serious existing issues in the area (such as health deprivation, the state of nature and natural capital, water quality and resources, air quality) which are expected to decline further². But the report consistently downplays these, for instance in its approach to climate change (in Para 5.12.8), and throughout its final Table 6.1 SA Framework Sustainability Objectives. The ISA must honestly and objectively assess the impacts of the emergent EEH Strategy. Some of the pro-growth assumptions in the ISA are already overtaken by the DfT's 2020 *Decarbonising Transport*³.

¹ <https://www.rtpi.org.uk/media/1822/sea-sapracticeadvicefull2018c.pdf>

² Such as paras 5.4.8, 5.6.5, 5.6.7, 5.7.9-5.7.11, 5.8.10, 5.10.9, 5.11.7, and 5.12.7

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876251/decarbonising-transport-setting-the-challenge.pdf

3. Inconsistent population figures

The ISA uses the 2016-based subnational population projections as a basis for its 'future trends' analysis at 5.2.10. This is inconsistent with MHCLG advice that the higher 2014-based projections should be used⁴. More up-to-date (and still lower) population projections were published in October 2019⁵; these do not take into account the effects of Brexit, which is widely expected to lead to still lower population growth.

The population projections used are important because they will drive assumptions about job numbers, potential for economic growth (though we query this as an ambition), and vehicle movements. The ISA and Transport Strategy should provide a clear explanation about the projections used, how these relate to national and local projections, and why these are still relevant post-Brexit.

4. Unclear policy context and remit

This issue relates to a broader concern that we have about the Transport Strategy and which is not clarified in the scoping report, namely that the role of the transport strategy in the wider planning 'landscape' is unclear. What decisions will be in the strategy's remit? How will it link to national-level decisions by Highways England, the National Infrastructure Commission etc.; and to Local Transport Plans and other local-scale plans?

For instance the Outline Transport Strategy Framework for Engagement refers to, but does not clearly advocate (or oppose) the Oxford-Cambridge expressway, which Highways England has 'paused', and which is opposed by most of the local authorities in Oxfordshire. Clearly it is difficult to prepare a transport strategy – and to consider and assess alternatives to the strategy - in the absence of a national decision about a key project in the region. The ISA scoping report's policy context (Ch. 4) makes this no clearer.

Moreover, the COVID-19 crisis has led to dramatic changes in travel patterns and transport use. For instance, traffic levels are at their lowest levels since 1955 (with an associated large drop in air pollution)⁶. Many commentators, including motoring organisations⁷, consider that this is likely to lead to a permanent shift in how people work and interact, with profound implications for transport and IT infrastructure. The EEH needs to consider the potential implications of these changes and reflect them in its work.

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779792/LHN_Gov_response.pdf

⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2018based>

⁶ <https://www.theguardian.com/uk-news/2020/apr/03/uk-road-travel-falls-to-1955-levels-as-covid-19-lockdown-takes-hold-coronavirus-traffic>

⁷ <https://www.bbc.co.uk/news/science-environment-52137968>

5. Inter-regional inequality

Although the ISA refers to intra-regional inequality at Section 5.4, it says nothing about inter-regional inequalities. While there are clearly inequalities within the region and within Oxfordshire itself (and we have suggested some of the measures needed to address these), as far as England overall is concerned the EEH area is one of the least deprived in the country (see Figure 1). Arguably much effort should also be going into reducing deprivation in other regions. This could include greater support for more sustainable economic development in those areas than in the EEH region. The ISA makes no mention of this.

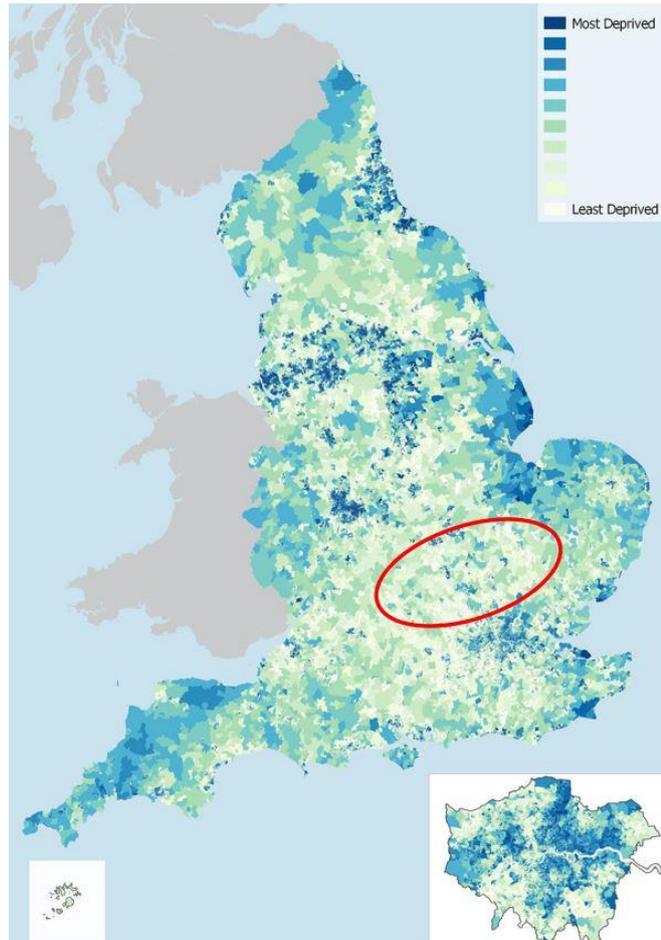


Figure 1. Index of Multiple Deprivation 2019⁸ (red oval roughly delineates the EEH area)

6. SA framework: Need for environmental targets

We take issue with many of the ‘sustainability objectives’ in the proposed SA framework of Table 6.1, notably their unsustainable focus on connectivity as an objective and the lack of clearly-stated environmental targets. We propose that the objectives should be recast as in the table below:

Existing sustainability objective	Proposed revised sustainability objective
To increase the capacity, connectivity and efficiency of the transportation network to support demographic changes, including improving access for all groups inclusively, including deprived communities and those in rural locations	To minimise the need to travel, and increase accessibility to services for all groups inclusively, including deprived communities and those in rural locations.

⁸ <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>

Existing sustainability objective	Proposed revised sustainability objective
To provide greater connectivity across the region in order to raise national and international competitiveness and support economic success	To support a low-impact, circular economy by improving internet and local connections; ensuring the adequate provision of services locally; implementing the 'polluter pays principle'; and hypothecating transport fees/charges to support public transport, walking and cycling.
To protect and enhance protected habitats, species, valuable ecological networks and ecosystem functionality in the region, contributing to biodiversity net gain.	To improve and provide strong protection to existing areas of biodiversity interest (including those without designations) and achieve >20% biodiversity net gain on any transport-related project.
To maintain and enhance the provision of ecosystem services from the region's natural capital and contribute to environmental net gain	To improve and enhance the provision of ecosystem services from the region's natural capital and achieve environmental net gain.
To protect water quality and manage and reduce the risk of flooding from all sources	To achieve Water Framework Directive objectives for the water environment (ie improve water quality and the water environment (such as chalk streams)); to reduce water abstraction ⁹ ; and to manage and reduce the risk of flooding from all sources.
To protect and enhance air quality by reducing transport related emissions.	To achieve NO ₂ and particulate standards in all parts of the region (or 'to remove the need for all Air Quality Management Areas') by 2030.
To reduce greenhouse gas emissions, support 2050 carbonisation initiatives and incorporate climate change adaptation to help maximise resilience.	To achieve net zero carbon emissions from transport in the region by 2040.

7. Special Protection Areas and Special Areas of Conservation

Legally, we believe that EEH and the ISA are on very shaky ground with respect to the proposed approach to Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). From the perspective of potential legal challenge, this is the area where we recommend the greatest changes. These relate both to the strategic environmental assessment (SEA) process and the proposed Habitats Regulations Assessment (HRA) process. These are discussed in turn.

⁹ Such as the aim for 110lpd water consumption in Defra 2020 *National Framework for Water Resources*: <https://www.gov.uk/government/publications/meeting-our-future-water-needs-a-national-framework-for-water-resources>

The **SEA Directive** requires the environmental report (here the ISA) to discuss “any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC”... in other words, in particular relating to SPA and SACs.

Although Table 5.2 lists the SPAs and SACs in the region (n.b. some outside the region are also likely to be affected by the Transport Strategy, especially near major roads such as the M25, M40 and M4), the ISA gives no indication of existing environmental problems that are relevant to these SPAs and SACs. Of the 18 SACs listed, at least half are sensitive to air pollution: Hartslock Wood¹⁰, Oxford Meadows, Burnham Beeches, Chilterns Beechwoods, Wormley-Hoddesdonpark Woods, Eversden and Wimpole Woods, Fenland, Barnack¹¹ Hills and Holes, and Devil’s¹² Dyke¹³. This should be clearly stated in the ISA, and the impacts of any future Transport Strategy should be analysed.

The condition of the qualifying features underlying several of the SPAs and SACs is also poor¹⁴, and also not recorded in the ISA. These include spined loach and crested newts at the Fenland SAC and a range of wetland birds at the Lee Valley SPA.

Of greater concern is the blithe statement at para. 3.4.3 that, after carrying out Stage 1 of the **Habitats Regulations Assessment** (HRA), “Stages 2 to 4 will be excluded due to the strategic nature of the Strategy”. There is absolutely nothing in the Habitats Directive that allows for such an exclusion. Article 6.3 of the Habitats Directive clearly states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, *the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned* and, if appropriate, after having obtained the opinion of the general public.” (Our italics)

The HRA process is very precautionary: rightly so, since it is protecting internationally important sites of nature conservation importance.

As the ISA correctly notes, European guidance divides the requirements of Article 6.3 into Stage 1 screening and State 2 appropriate assessment. If Stage 1 screening cannot show that significant effects on SPAs and SACs are unlikely¹⁵,

¹⁰ Not Hartlock as written in Table 5.2

¹¹ Not Barnach as written in Table 5.2

¹² Not Devils as written in Table 5.2

¹³ Natura 2000 forms for each site, e.g. <https://jncc.gov.uk/jncc-assets/SAC-N2K/UK0030164.pdf> plus associated documents.

¹⁴ Ibid. Also Chilterns Conservation Board, 2019, Chilterns AONB Management Plan 2019-2024

¹⁵ The term ‘likely’ in HRA terms means “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” – see Waddenzee case (European Court of Justice C-127/02, <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-127/02>)

then the HRA *must* proceed to Stage 2¹⁶. There is no exception for ‘strategic nature’. Those aspects of a plan that make decisions and impose conditions on subsequent plans and projects (i.e. the ‘efficient and cost-effective implementation of the strategy’, para. 1.1.4 of the ISA) must be shown to not adversely affect the integrity of any SPA or SAC. The ISA’s proposed approach would leave EEH wide open to legal challenge.

The ISA (including the HRA) and the EEH Transport Strategy should anyway be promoting the strong protection of the internationally important sites, and should welcome the opportunity to show through HRA that this is the case.

8. Alternatives

The next stage of the ISA will involve identifying, assessing and comparing ‘reasonable alternatives’. As a positive contribution to this next step, and in line with good practice advice¹⁷ - we suggest some alternatives that aim to deal with existing problems in and outside the region. These could include:

Existing problem	Possible alternatives*
<p>The need to achieve ‘net zero carbon’ by 2050 at the latest (we suggest that this should be 2040) in light of the Committee on Climate Change’s predictions that the UK’s carbon budgets post-2023 will not be met¹⁸.</p>	<ul style="list-style-type: none"> • A comprehensive road-pricing system, whether linked to congestion or another mechanism, throughout the region, with revenue hypothecated to walking, cycling and public transport • New development to be focussed in localities where the need for travel between home, work, education, health and other facilities can be minimised • Directing a greater proportion of capital investment into housing, improved building insulation and sustainable travel (walking, cycling and public transport) • The balance between capital and revenue expenditure to be restructured to achieve fewer car trips and more active travel • Road tolls, parking charges and other financial ‘sticks’ to discourage resumption of car travel post-coronavirus • A focus on reducing the volume of goods traffic on our roads, by a combination of increasing network capacity to enable goods to be switched to rail and encouraging a move towards more local distribution networks using smaller, zero-emission vehicles

¹⁶

https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf.

¹⁷ <https://www.rtpi.org.uk/media/1822/sea-sappracticeadvicefull2018c.pdf>

¹⁸ <https://www.theccc.org.uk/tackling-climate-change/reducing-carbon-emissions/how-the-uk-is-progressing/>

<p>Significant economic disparities between the EEH area and other regions, particularly those in the north.</p>	<ul style="list-style-type: none"> • Support for local, cyclical, sustainable economies rather than ‘connectivity’ and rapid growth • Directing a greater proportion of national expenditure into depressed areas of the country
<p>Poor biodiversity in the region and nationally, linked to long-term trends of habitat fragmentation (much of this caused by transport infrastructure), poor air and water quality etc.¹⁹.</p>	<ul style="list-style-type: none"> • A presumption against new roads • A requirement that any new transport infrastructure is adjacent to existing transport infrastructure to avoid worsening habitat fragmentation, other than for walking, cycling and enhancing public transport links • New development to generally be to a much higher density • All new transport infrastructure to provide 100% biodiversity gain, i.e. double biodiversity before and after the scheme
<p>The risks to human health and ecology of poor air quality, which is worse in the south of the country (including the EEH area) than the north²⁰.</p>	<ul style="list-style-type: none"> • Rapidly establish zero emission zones like that planned for Oxford in all urban areas, extending over time to the entire region • Lead the way nationally by seeking the powers to only permit registration and MOT of zero emission vehicles, starting before 2030 • Widespread pedestrianisation of city and town centres • A substantial switch from capital to revenue funding to support improved maintenance of footways and cycleways and the provision (or re-instatement) of many more non-commercial public transport services
<p>The high proportion of overweight and obese adults, although the East of England region is better than many other English regions.</p>	<ul style="list-style-type: none"> • The majority of transport funding to be spent on walking, cycling and public transport projects, to encourage active travel • Development of smart region-wide walking and cycling targets, to be met by a specified date. These could include the volume and proportion of adults and children walking and cycling, and the level of walking/cycling provision

* Whether these are reasonable relates to whether they are in the remit of the Transport Strategy which is unclear – see point 4 about the strategy’s remit. If the strategy will merely be a series of statements of good intention (which is hinted at by ISA para. 3.4.3 about the ‘strategic nature of the strategy’), then the strategy could be more ambitious, and take on board more of the points above, than if it was responsible for detailed planning and implementation of individual transport schemes.

¹⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf

²⁰ <https://www.centreforcities.org/publication/cities-outlook-2020/>

9. For the Transport Strategy (rather than specifically the ISA)

The coronavirus emergency is leading to high levels of home-working, a shift towards Internet-based meetings, and strong reductions of traffic on the roads. The impacts of Brexit, particularly combined with coronavirus (many people returning to their original countries, for instance to be with relatives during the crisis), will also be significant. Impacts could include much-reduced population growth; a greater emphasis on local production of goods, and local community activities and action; much more active travel (walking and cycling); and more emphasis on value of improved broadband connectivity.

We believe that the Transport Strategy should remain very flexible, or indeed should be delayed for a year or two to allow the effects of these two factors to be understood. Many of the strategy's current assumptions about (the need for) high levels of economic growth in the EEH area may, in time, prove to be unfounded.

We also believe that some of the very sustainable trends currently resulting from coronavirus have the potential to become permanent, especially if supported by good transport policies. These could include:

- Rapid roll-out of high-speed broadband
- Road pricing, parking charges and other financial “sticks” to discourage resumption of car travel
- Support for the localisation of services, e.g. food stores in rural villages that are currently lacking such a store
- Significantly higher levels of walking and cycling